



Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID AFRIKA

Regulation Gazette

No. 10553

Regulasiekoerant

Vol. 608

3 February 2016
3 Februarie 2016

No. 39646

PART 1 OF 3

N.B. The Government Printing Works will not be held responsible for the quality of "Hard Copies" or "Electronic Files" submitted for publication purposes

ISSN 1682-5843



9 771682 584003

39646



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

Government Printing Works

Notice submission deadlines

Government Printing Works has over the last few months implemented rules for completing and submitting the electronic Adobe Forms when you, the customer, submit your notice request.

In line with these business rules, GPW has revised the notice submission deadlines for all gazettes. Please refer to the GPW website www.gpwonline.co.za to familiarise yourself with the new deadlines.

CANCELLATIONS

Don't forget!

Cancellation of notice submissions are accepted by GPW according to the deadlines stated in the table above.

Non-compliance to these deadlines will result in your request being failed. **Please pay special attention to the different deadlines for each gazette.**

Please note that any notices cancelled after the cancellation deadline will be published and charged at full cost.

Requests for cancellation must be sent by the original sender of the notice and must be accompanied by the relevant notice reference number (N-) in the email body.

AMENDMENTS TO NOTICES

take note!

With effect from 01 October, GPW will not longer accept amendments to notices. The cancellation process will need to be followed and a new notice submitted thereafter for the next available publication date.

CUSTOMER INQUIRIES



Many of our customers request immediate feedback/confirmation of notice placement in the gazette from our Contact Centre once they have submitted their notice – While GPW deems it one of their highest priorities and responsibilities to provide customers with this requested feedback and the best service at all times, we are only able to do so once we have started processing your notice submission.

GPW has a **2-working day turnaround time for processing notices** received according to the business rules and deadline submissions.

Please keep this in mind when making inquiries about your notice submission at the Contact Centre.

PROOF OF PAYMENTS



GPW reminds you that all notice submissions **MUST** be submitted with an accompanying proof of payment (PoP) or purchase order (PO). If any PoP's or PO's are received without a notice submission, it will be failed and your notice will not be processed.

When submitting your notice request to submit.egazette@gpw.gov.za, please ensure that a purchase order (GPW Account customer) or proof of payment (non-GPW Account customer) is included with your notice submission. All documentation relating to the notice submission must be in a single email.

A reminder that documents must be attached separately in your email to GPW. (In other words, your email should have an Adobe Form plus proof of payment/purchase order – 2 separate attachments – where notice content is applicable, it should also be a 3rd separate attachment).

REMINDER OF THE GPW BUSINESS RULES

- Single notice, single email – with proof of payment or purchase order.
- All documents must be attached separately in your email to GPW.
- 1 notice = 1 form, i.e. each notice must be on a separate form
- Please submit your notice **ONLY ONCE**.
- Requests for information, quotations and inquiries must be sent to the Contact Centre **ONLY**.
- The notice information that you send us on the form is what we publish. Please do not put any instructions in the email body.

DISCLAIMER:

Government Printing Works reserves the right to apply the 25% discount to all Legal and Liquor notices that comply with the business rules for notice submissions for publication in gazettes.

National, Provincial, Road Carrier Permits and Tender notices will pay the price as published in the Government Gazettes.

For any information, please contact the eGazette Contact Centre on 012-748 6200 or email info.egazette@gpw.gov.za

Contents

No.		Gazette No.	Page No.
GOVERNMENT NOTICES • GOEWERMENSKENNISGEWINGS			
Environmental Affairs, Department of/ Omgewingsake, Departement van			
R. 92	Protected Areas Act (57/2003): Port Elizabeth Corals Marine.....	39646	5
R. 93	National Environmental Management: Protected Areas Act (57/2003): Draft notice declaring the Benguela Bank Marine Protected Area under Section 22A of the Act.....	39646	9
R. 94	National Environmental Management: Protected Areas Act (57/2003): Draft notice declaring the Isimangaliso Marine Protected Area under Section 22A of the Act.....	39646	13
R. 95	National Environmental Management: Protected Areas Act (57/2003): Draft notice declaring the Agulhas Front Marine Protected Area under Section 22A of the Act.....	39646	16
R. 96	Protected Areas Act (57/2003): Childs Bank Marine Protected Area.....	39646	19
R. 97	Protected Areas Act (57/2003): Childs Bank Marine Protected Area.....	39646	23
R. 98	National Environmental Management: Protected Areas Act (57/2003): Draft notice declaring the Browns Bank Complex Marine Protected Area under section 22A of the Act.....	39646	26
R. 99	National Environmental Management: Protected Areas Act (57/2003): Draft Regulations for the Management of the Namaqua Fossil Forest Marine Protected Area.....	39646	30
R. 100	Protected Areas Act (57/2003): Protea Banks Marine Protected Area.....	39646	38
R. 101	National Environmental Management: Protected Areas Act (57/2003): Draft Regulations for the Management of the Port Elizabeth Corals Marine Protected Area.....	39646	50
R. 102	National Environmental Management: Protected Areas Act (57/2003): Draft Regulations for the Management of the Agulhas Bank Complex Marine Protected Area.....	39646	59
R. 103	National Environmental Management: Protected Areas Act (57/2003): Draft Regulations for the Management of Uthukela Banks Marine Protected Area.....	39646	68
R. 104	National Environmental Management: Protected Areas Act (57/2003): Draft Regulations for the Management of the Orange Shelf Edge Marine Protected Area.....	39646	83
R. 105	Protected Areas Act (57/2003): Benguela Bank Marine Protected Area.....	39646	91
R. 106	Protected Areas Act (57/2003): Agulhas Bank Complex Marine Protected Area.....	39646	99
R. 107	Protected Areas Act (57/2003): Aliwal Shoal Marine Protected Area.....	39646	103
R. 108	National Environmental Management: Protected Areas Act (57/2003): Draft notice declaring the Uthukela Banks Marine Protected Area under Section 22A of the Act.....	39646	106
R. 109	Protected Areas Act (57/2003): Amathole Offshore Marine Protected Area.....	39646	110
R. 110	National Environmental Management: Protected Areas Act (57/2003): Draft Regulations for the Management of the Aliwal Shoal Marine Protected Area.....	39646	114
R. 111	Protected Areas Act (57/2003): Agulhas Muds Marine Protected Area.....	39646	135
R. 112	National Environmental Management: Protected Areas Act (57/2003): Draft notice declaring the Agulhas Muds Marine Protected Area under Section 22A of the Act.....	39646	144
R. 113	Protected Areas Act (57/2003): Amathole Offshore Marine Protected Area.....	39646	148
R. 114	Protected Areas Act (57/2003): Addo Elephant Marine Protected Area.....	39646	159
R. 115	Protected Areas Act (57/2003): Browns Bank Corals Marine Protected Area.....	39646	180
R. 116	National Environmental Management: Protected Areas Act (57/2003): Draft notice declaring the Addo Elephant Marine Protected Area under Section 22A of the Act.....	39646	184
R. 117	National Environmental Management: Protected Areas Act (57/2003): Draft Regulations for the Management of the Browns Bank Corals Marine Protected Area.....	39646	188
R. 118	National Environmental Management: Protected Areas Act (57/2003): Draft Regulations for the Management of the iSimangaliso Marine Protected Area.....	39646	196
R. 119	National Environmental Management: Protected Areas Act (57/2003): Draft Regulations for the Management of the Robben Island Marine Protected Area.....	39646	222
R. 120	National Environmental Management: Protected Areas Act (57/2003): Draft notice declaring the SouthWest Indian		

	Seamount Marine Protected Area under Section 22a of the Act.....	39646	234
R. 121	National Environmental Management: Protected Areas Act (57/2003): Draft Regulations for the Management of the SouthWest Indian Seamount Marine Protected Area.....	39646	238
R. 122	National Environmental Management: Protected Areas Act (57/2003): Draft notice declaring the Robben Island Marine Protected Area under Section 22A of the Act.....	39646	249
R. 123	National Environmental Management: Protected Areas Act (57/2003): Draft Regulations for the Management of the SouthEast Atlantic Seamount Marine Protected Area.....	39646	253
R. 124	Protected Areas Act (57/2003): Southeast Atlantic Seamount Marine Protected Area.....	39646	264
R. 125	National Environmental Management: Protected Areas Act (57/2003): Draft Regulations for the Management of the Namaqua National Park Marine Protected Area.....	39646	268
R. 126	Protected Areas Act (57/2003): Namaqua Fossil Forest Marine Protected Area.....	39646	280
R. 127	National Environmental Management: Protected Areas Act (57/2003): Draft notice declaring the Namaqua National Park Marine Protected Area under Section 22A of the Act.....	39646	284
R. 128	National Environmental Management: Protected Areas Act (57/2003): Draft notice declaring the Protea Banks Marine Protected Area under section 22a of the Act.....	39646	288
R. 129	Protected Areas Act (57/2003): Orange Shelf Edge Marine Protected Area.....	39646	291
R. 130	National Environmental Management: Protected Areas Act (57/2003): Draft Regulations for the Management of the Benguela Muds Marine Protected Area.....	39646	295
R. 131	National Environmental Management: Protected Areas Act (57/2003): Draft Regulations for the Management of the Browns Bank Complex Marine Protected Area.....	39646	303
R. 132	National Environmental Management: Protected Areas Act (57/2003): Draft notice declaring the Benguela Muds Marine Protected Area under section 22A of the Act.....	39646	311
R. 133	National Environmental Management: Protected Areas Act (57/2003): Draft Regulations for the Management of the Agulhas Front Marine Protected Area.....	39646	315
R. 134	National Environmental Management: Protected Areas Act (57/2003): Draft Regulations for the Management of the Cape Canyon Marine Protected Area.....	39646	324
R. 135	National Environmental Management: Protected Areas Act (57/2003): Draft notice declaring the Cape Canyon Marine Protected Area under section 22A of the Act.....	39646	333

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF ENVIRONMENTAL AFFAIRS

NO. R. 92

03 FEBRUARY 2016

**NATIONAL ENVIRONMENTAL MANAGEMENT: PROTECTED AREAS ACT, 2003
(ACT NO. 57 OF 2003)****DRAFT NOTICE DECLARING THE PORT ELIZABETH CORALS MARINE
PROTECTED AREA UNDER SECTION 22A OF THE NATIONAL
ENVIRONMENTAL MANAGEMENT: PROTECTED AREAS ACT, 2003 (ACT NO.
57 OF 2003)**


I, Bomo Edith Edna Molewa, Minister of Environmental Affairs, hereby publish for public comment, the intention to declare under section 22A of the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003), the Port Elizabeth Corals Marine Protected Area as set out in the Schedule hereto.

Any person who wishes to submit representations or comments in connection with the proposed declaration is invited to do so within 90 days from the date of publication in the *Government Gazette* and by no later than 16h00 on the last day. Comments received after this time may not be considered. All representations and comments must be submitted in writing to the Deputy Director-General of the Department of Environmental Affairs, Branch Oceans and Coasts:

By post to: The Deputy Director-General
Environmental Affairs
Oceans and Coasts
Attention: Xola Mkefe
P.O Box 52126
V and A Waterfront, Cape Town
8002

By hand: East Pier Building 2, East Pier Road, V&A
Waterfront, Cape Town

By e-mail to: MPARegs@environment.gov.za
Enquiries: Xola Mkefe 021 819 2466



**BOMO EDITH EDNA MOLEWA
MINISTER OF ENVIRONMENTAL AFFAIRS**

datum, and all bearings are true bearings as detailed in Annexure 1 hereto.

Boundaries of the Marine Protected Area

The Port Elizabeth Corals Marine Protected Area, offshore of the Eastern Cape is an offshore Marine Protected Area in the 400 to 1000 m depth range lying approximately 47 nautical miles south of Jeffreys Bays. The Port Elizabeth Corals Marine Protected Area is bounded by a series of straight lines sequentially joining the following four coordinates: (A) 34° 35' S, 25° 30' E; (B) 34° 40' S, 25° 30' E; (C) 34° 55' S, 25° 0' E; and (D) 34° 50' S, 25° 0' E. The area includes the sea bed, water column and subsoil within these boundaries.

Purpose

The purpose for declaring Marine Protected Area is:

- (a) To contribute to a national and global representative system of marine protected areas by providing protection to the benthic ecosystems of the shelf edge and slope of this region;
- (b) to conserve and protect cold water coral reefs and associated ecosystems;
- (c) to conserve and protect the biodiversity and ecological processes associated with these ecosystems; and
- (d) to protect and provide an appropriate reference environment for research and monitoring particularly research on fisheries impacts and recovery and kingklip spawning and nursery requirements.

Annexure 1:

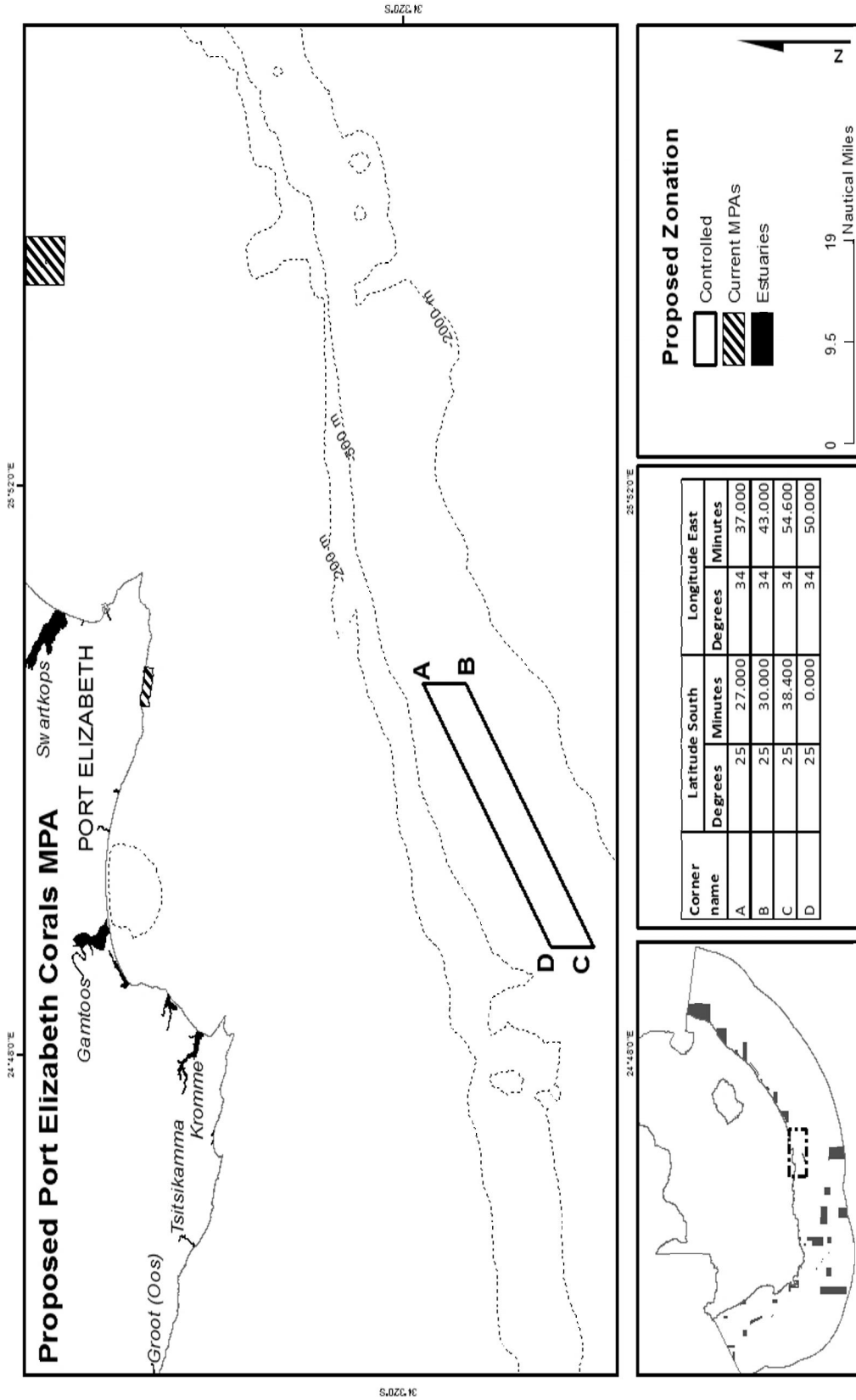


Fig 1. The proposed boundaries for the Port Elizabeth Corals Marine Protected Area

Table 1. The exact geographic coordinates (WGS 84) of points A-D in Fig 1.

Corner name	X (East) Decimal Degrees	Y (South) Decimal Degrees	X (East) Degrees	X (East) Minutes	Y (South) Degrees	Y (South) Minutes
A	25.5000	-34.5833	25	30.000	34	35.000
B	25.5000	-34.6667	25	30.000	34	40.000
C	25.0000	-34.9166	25	0.000	34	55.000
D	25.0000	-34.8333	25	0.000	34	50.000

DEPARTMENT OF ENVIRONMENTAL AFFAIRS

NO. R. 93

03 FEBRUARY 2016

**NATIONAL ENVIRONMENTAL MANAGEMENT: PROTECTED AREAS ACT, 2003
(ACT NO. 57 OF 2003)****DRAFT NOTICE DECLARING THE BENGUELA BANK MARINE PROTECTED
AREA UNDER SECTION 22A OF THE NATIONAL ENVIRONMENTAL
MANAGEMENT: PROTECTED AREAS ACT, 2003 (ACT NO. 57 OF 2003)**

I, Bomo Edith Edna Molewa, Minister of Environmental Affairs, hereby publish for public comment, the intention to declare under section 22A of the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003), the Benguela Bank Marine Protected Area as set out in the Schedule hereto.

Any person who wishes to submit representations or comments in connection with the proposed declaration is invited to do so within 90 days from the date of publication in the *Government Gazette* and by no later than 16h00 on the last day. Comments received after this time may not be considered. All representations and comments must be submitted in writing to the Deputy Director-General of the Department of Environmental Affairs, Branch Oceans and Coasts:

By post to: The Deputy Director-General
Environmental Affairs
Oceans and Coasts
Attention: Xola Mkefe
P.O Box 52126
V and A Waterfront, Cape Town
8002

By hand: East Pier Building 2, East Pier Road, V&A
Waterfront, Cape Town

By e-mail to: MPARegs@environment.gov.za
Enquiries: Xola Mkefe 021 819 2466



**BOMO EDITH EDNA MOLEWA
MINISTER OF ENVIRONMENTAL AFFAIRS**

SCHEDULE

All geographic co-ordinates are determined in accordance with the *WGS 84* datum, and all bearings are true bearings as set out in Annexure 1 hereto.

Boundaries of the Marine Protected Area

The Benguela Bank Marine Protected Area on the West Coast is an offshore Marine Protected Area lying in the 250m to 400m depth range approximately 80 nautical miles west of Papendorp. The Benguela Bank Marine Protected Area is bounded by a series of straight lines sequentially joining the following four coordinates: (A) 31° 10' S, 16° 15'E; (B) 31° 10' S, 16° 25' E; (C) 32° 0' S, 16° 45' E; and (D) 32° 0' S, 16° 35'E. The area includes the sea bed, water column and subsoil within these boundaries.

Purpose

The purpose for declaring this marine protected area is:

- (a) To contribute to a national and global representative system of marine protected areas by providing protection to benthic ecosystems on the outer shelf and shelf edge in this region;
- (b) to protect remnants of threatened seabed ecosystems particularly untrawled rocky habitat;
- (c) to conserve and protect the biodiversity and ecological processes associated with these ecosystems; and
- (d) to protect and provide an appropriate environment for research and monitoring.

Annexure 1:

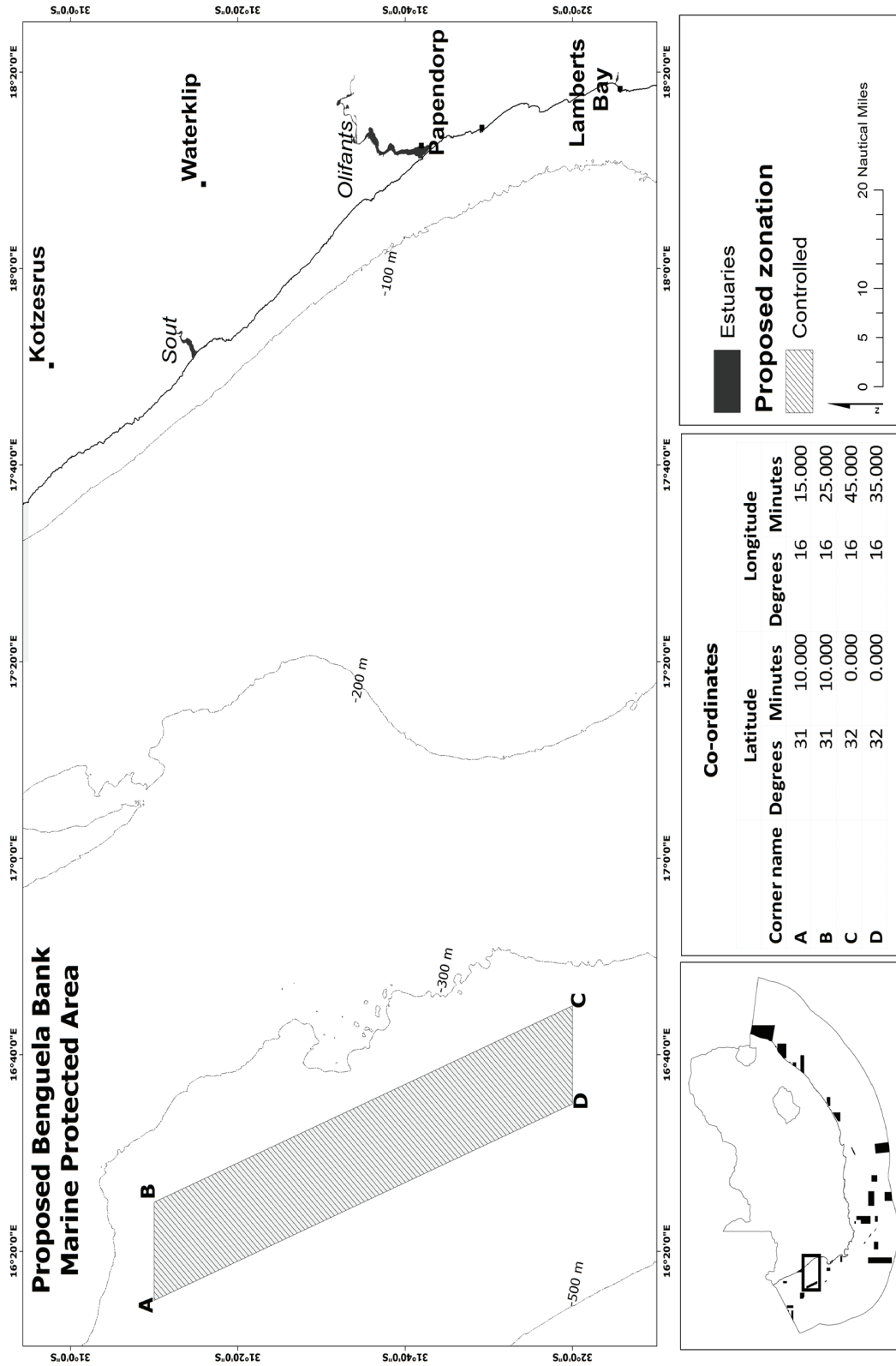


Fig. 1. The proposed boundaries for the Benguela Bank Marine Protected Area

Table 1. The exact geographic coordinates (WGS 84) of points A-D in Fig 1

Corner name	X (East) Decimal Degrees	Y (South) Decimal Degrees	X (East) Degrees	X (East) Minutes	Y (South) Degrees	Y (South) Minutes
A	16.2500	-31.1667	16	15.000	31	10.000
B	16.4167	-31.1667	16	25.000	31	10.000
C	16.7500	-32.0000	16	45.000	32	0.000
D	16.5833	-32.0000	16	35.000	32	0.000

DEPARTMENT OF ENVIRONMENTAL AFFAIRS

NO. R. 94

03 FEBRUARY 2016

**NATIONAL ENVIRONMENTAL MANAGEMENT: PROTECTED AREAS ACT, 2003
(ACT NO. 57 OF 2003)****DRAFT NOTICE DECLARING THE ISIMANGALISO MARINE PROTECTED AREA
UNDER SECTION 22A OF THE NATIONAL ENVIRONMENTAL MANAGEMENT:
PROTECTED AREAS ACT, 2003 (ACT NO. 57 OF 2003)**

I, Bomo Edith Edna Molewa, Minister of Environmental Affairs, hereby publish for public comment, in terms of section 22B of the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003), the intention to withdraw the existing St Lucia and Maputaland Marine Protected Areas declared in stipulations 2(11) and 2(12) of *Government Gazette* 21948, Notice No. 1429 of 29 December 2000, and to declare under section 22A of the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003), the iSimangaliso Marine Protected Area as set out in the Schedule hereto.

Any person who wishes to submit representations or comments in connection with the proposed declaration is invited to do so within 90 days from the date of publication in the *Government Gazette* and by no later than 16h00 on the last day. Comments received after this time may not be considered. All representations and comments must be submitted in writing to the Deputy Director-General of the Department of Environmental Affairs, Branch Oceans and Coasts:

By post to: The Deputy Director-General
Environmental Affairs
Oceans and Coasts
Attention: Xola Mkefe
P.O Box 52126
V and A Waterfront, Cape Town
8002

By hand: East Pier Building 2, East Pier Road, V&A Waterfront,
Cape Town

By e-mail to: MPARegs@environment.gov.za
Enquiries: Xola Mkefe 021 819 2466



**BOMO EDITH EDNA MOLEWA
MINISTER OF ENVIRONMENTAL AFFAIRS**

SCHEDULE

All geographic co-ordinates are determined in accordance with the *WGS 84* datum, and all bearings are true bearings as set out in Annexure 1 hereto.

Boundaries of the Marine Protected Area

The iSimangaliso Marine Protected Area in KwaZulu-Natal is a coastal and offshore Marine Protected Area stretching from the South Africa-Mozambique border in the north where it extends approximately 34 nautical miles offshore; to Cape St Lucia Lighthouse in the south where it extends approximately 58 nautical miles offshore. The iSimangaliso Marine Protected Area is bounded by straight lines sequentially joining the following four coordinates: (A) 26°51'30.92"S; 32°53'27.24"E; (B) 26°59'22.02"S, 33°27'21.95"E; (C) 28°31'19.59"S, 33°27'45.32"E; (D) 28°31'10.45"S; 32°24'3.52"E, and then back to point A along the high water mark, excluding estuaries.

Purpose

The purpose for declaring the Marine Protected Area is:

- a) To contribute to a national and global representative system of marine protected areas, by providing protection for sites of special sensitivity and sites that are critically endangered; and by providing a large contiguous conservation area which links inshore marine habitats with those further offshore;
- b) to contribute to sustainable marine and coastal ecotourism through the zonation for activities which yield socio-economic benefits on the local and national scales;
- c) to facilitate fisheries management by protecting spawning stock, allowing stock recovery, and enhancing stock abundance in adjacent areas, in particular, for reef fish and large pelagic fish;
- d) for the protection of fauna and flora or a particular species of fauna or flora and the physical features on which they depend, including the canyons which constitute known and potential Coelacanth habitat, vulnerable benthic habitats, including cold water corals and areas which are important migratory corridors for humpback whales and whale sharks and breeding and foraging areas for several turtle species; and
- e) to provide reference sites for research, including areas in good ecological condition and areas which may show most clearly the impacts of climate change.

Annexure 1

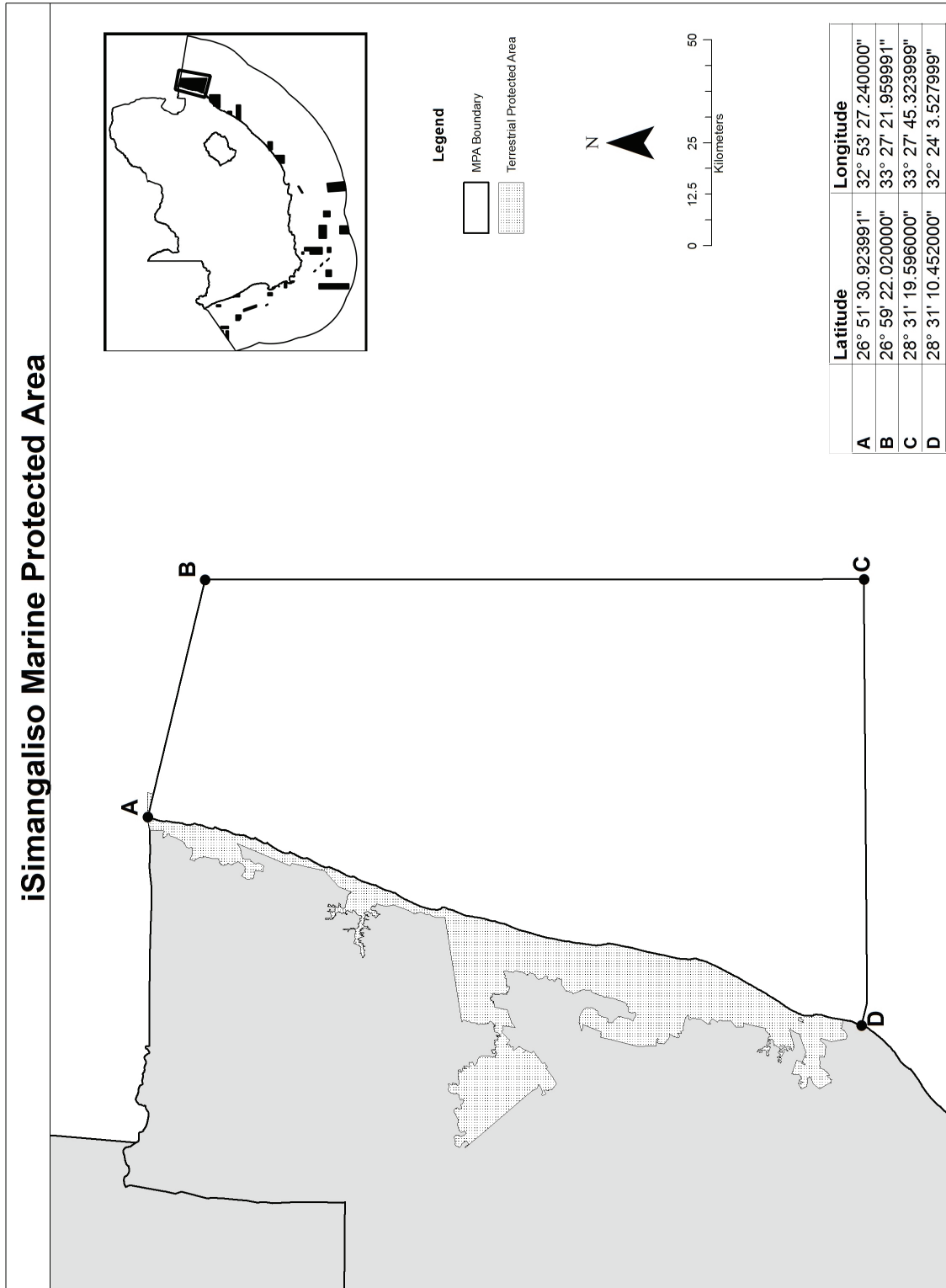


Fig. 1. The proposed boundaries for the iSimangaliso Marine Protected Area.

DEPARTMENT OF ENVIRONMENTAL AFFAIRS

NO. R. 95

03 FEBRUARY 2016

**NATIONAL ENVIRONMENTAL MANAGEMENT: PROTECTED AREAS ACT, 2003
(ACT NO. 57 OF 2003)****DRAFT NOTICE DECLARING THE AGULHAS FRONT MARINE PROTECTED
AREA UNDER SECTION 22A OF THE NATIONAL ENVIRONMENTAL
MANAGEMENT: PROTECTED AREAS ACT, 2003 (ACT NO. 57 OF 2003)**

I, Bomo Edith Edna Molewa, Minister of Environmental Affairs, hereby publish for public comment, the intention to declare under section 22A of the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003), the Agulhas Front Marine Protected Area as set out in the Schedule hereto.

Any person who wishes to submit representations or comments in connection with the proposed declaration is invited to do so within 90 days from the date of publication in the *Government Gazette* and by no later than 16h00 on the last day. Comments received after this time may not be considered. All representations and comments must be submitted in writing to the Deputy Director-General of the Department of Environmental Affairs, Branch Oceans and Coasts:

- By post to:** **The Deputy Director-General
Environmental Affairs
Oceans and Coasts
Attention: Xola Mkefe
P.O Box 52126
V and A Waterfront, Cape Town
8002**
- By hand:** **East Pier Building 2, East Pier Road, V&A
Waterfront, Cape Town**
- By e-mail to:** **MPARegs@environment.gov.za**
Enquiries: **Xola Mkefe 021 819 2466**



**BOMO EDITH EDNA MOLEWA
MINISTER OF ENVIRONMENTAL AFFAIRS**

SCHEDULE

All geographic co-ordinates are determined in accordance with the *WGS 84* datum, and all bearings are true bearings as detailed in Annexure 1 hereto.

Boundaries of the Marine Protected Area

The Agulhas Front Marine Protected Area in the Eastern Cape is an offshore Marine Protected Area beyond the 1800m depth contour lying approximately 143 nautical miles south of Jeffreys Bay. The Agulhas Front Marine Protected Area is bounded by a series of straight lines sequentially joining the following four coordinates: (A) 36° 28' S, 25° 5' E; (B) 36° 24' S, 25° 42.480' E; (C) 37° 27' S, 25° 50' E; and (D) 37° 32' S, 25° 10.620' E. The area includes the sea bed, water column and subsoil within these boundaries.

Purpose

The purpose for declaring this Marine Protected Area is:

- (a) To contribute to a national and global representative system of marine protected areas by providing protection to the benthic and pelagic ecosystems of the lower slope and abyss of this region;
- (b) to conserve and protect the biodiversity and ecological processes associated with these ecosystems;
- (c) to facilitate species management by protecting an area of life history importance to large pelagic fish; and
- (d) to protect and provide an appropriate environment for research and monitoring particularly research on habitat description, habitat resilience and climate change.

Annexure 1:

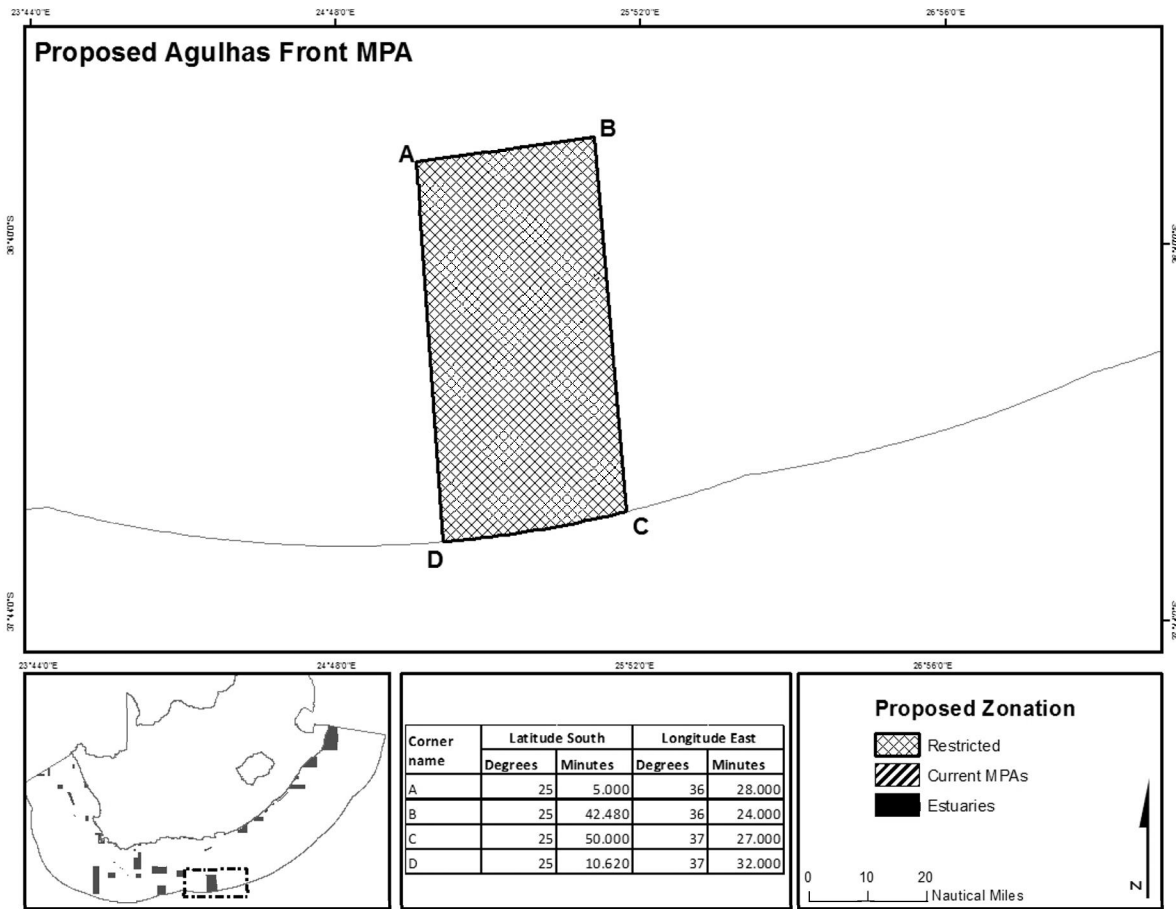


Fig. 1. The proposed boundaries for the Agulhas Front Marine Protected Area.

Table 1. The exact geographic coordinates (WGS 84) of points A-D in Fig 1.

Corner name	X (East) Decimal Degrees	Y (South) Decimal Degrees	X (East) Degrees	X (East) Minutes	Y (South) Degrees	Y (South) Minutes
A	25.0833	-36.4667	25	5.000	36	28.000
B	25.7080	-36.4000	25	42.480	36	24.000
C	25.8333	-37.4500	25	50.000	37	27.000
D	25.1770	-37.5333	25	10.620	37	32.000

DEPARTMENT OF ENVIRONMENTAL AFFAIRS

NO. R. 96

03 FEBRUARY 2016

**NATIONAL ENVIRONMENTAL MANAGEMENT: PROTECTED AREAS ACT, 2003
(ACT NO. 57 OF 2003)****DRAFT NOTICE DECLARING THE BROWNS BANK CORALS MARINE
PROTECTED AREA UNDER SECTION 22A OF THE NATIONAL
ENVIRONMENTAL MANAGEMENT: PROTECTED AREAS ACT, 2003 (ACT NO.
57 OF 2003)**

I, Bomo Edith Edna Molewa, Minister of Environmental Affairs, hereby publish for public comment, the intention to declare under section 22A of the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003), the Browns Bank Corals Marine Protected Area as set out in the Schedule hereto.

Any person who wishes to submit representations or comments in connection with the proposed declaration is invited to do so within 90 days from the date of publication in the *Government Gazette* and by no later than 16h00 on the last day. Comments received after this time may not be considered. All representations and comments must be submitted in writing to the Deputy Director-General of the Department of Environmental Affairs, Branch Oceans and Coasts:

By post to: **The Deputy Director-General
Environmental Affairs
Oceans and Coasts
Attention: Xola Mkefe
P.O Box 52126
V and A Waterfront, Cape Town
8002**

By hand: **East Pier Building 2, East Pier Road, V&A
Waterfront, Cape Town**

By e-mail to: **MPAREgs@environment.gov.za**
Enquiries: **Xola Mkefe 021 819 2466**



**BOMO EDITH EDNA MOLEWA
MINISTER OF ENVIRONMENTAL AFFAIRS**

SCHEDULE

All geographic co-ordinates are determined in accordance with the *WGS 84* datum, and all bearings are true bearings as set out in Annexure 1 hereto.

Boundaries of the Marine Protected Area

The Browns Bank Corals Marine Protected Area in the Western Cape is an offshore Marine Protected Area in the 250m to 400m depth range lying approximately 70 nautical miles south of Cape Agulhas. The Browns Bank Corals Marine Protected Area is comprised of three separate areas, indicated as BBC1, BBC2 and BBC3 detailed in Annexure 1 as follows:

- (a) BBC1 is bounded by a series of straight lines sequentially joining the following four coordinates: (A) 35° 33' S, 19° 11'E; (B) 35° 38.460' S, 19° 20' E; (C) 35° 42.780' S, 19° 20' E; and (D) 35° 38' S, 19° 11'E;
- (b) BBC2 is bounded by a series of straight lines sequentially joining the following four coordinates: (A) 35° 58' S, 19° 35' E; (B) 35° 58' S, 19° 41' E; (C) 36° 8' S, 19° 53' E; and (D) 36°8' S, 19° 46.50'E; and
- (c) BBC 3 is bounded by a series of straight lines sequentially joining the following five coordinates (A) 36° 22' S, 20° 0' E; (B) 36° 22' S, 20° 2' E; (C) 36° 32' S, 20° 13' E; (D) 36° 32' S, 20° 10' E; and (E) 36° 24' S, 20° 0' E.

The areas include the sea bed, water column and subsoil within these boundaries.

Purpose

The purpose for declaring this Marine Protected Area is:

- (a) To contribute to a national and global representative system of marine protected areas by providing protection to the benthic ecosystems of the shelf edge;
- (b) to conserve and protect cold water corals and associated ecosystems;
- (c) to conserve and protect the biodiversity and ecological processes associated with these ecosystems; and
- (d) to protect and provide an appropriate reference environment for research and monitoring particularly research on ecosystem description and assessment and fisheries impacts and recovery.

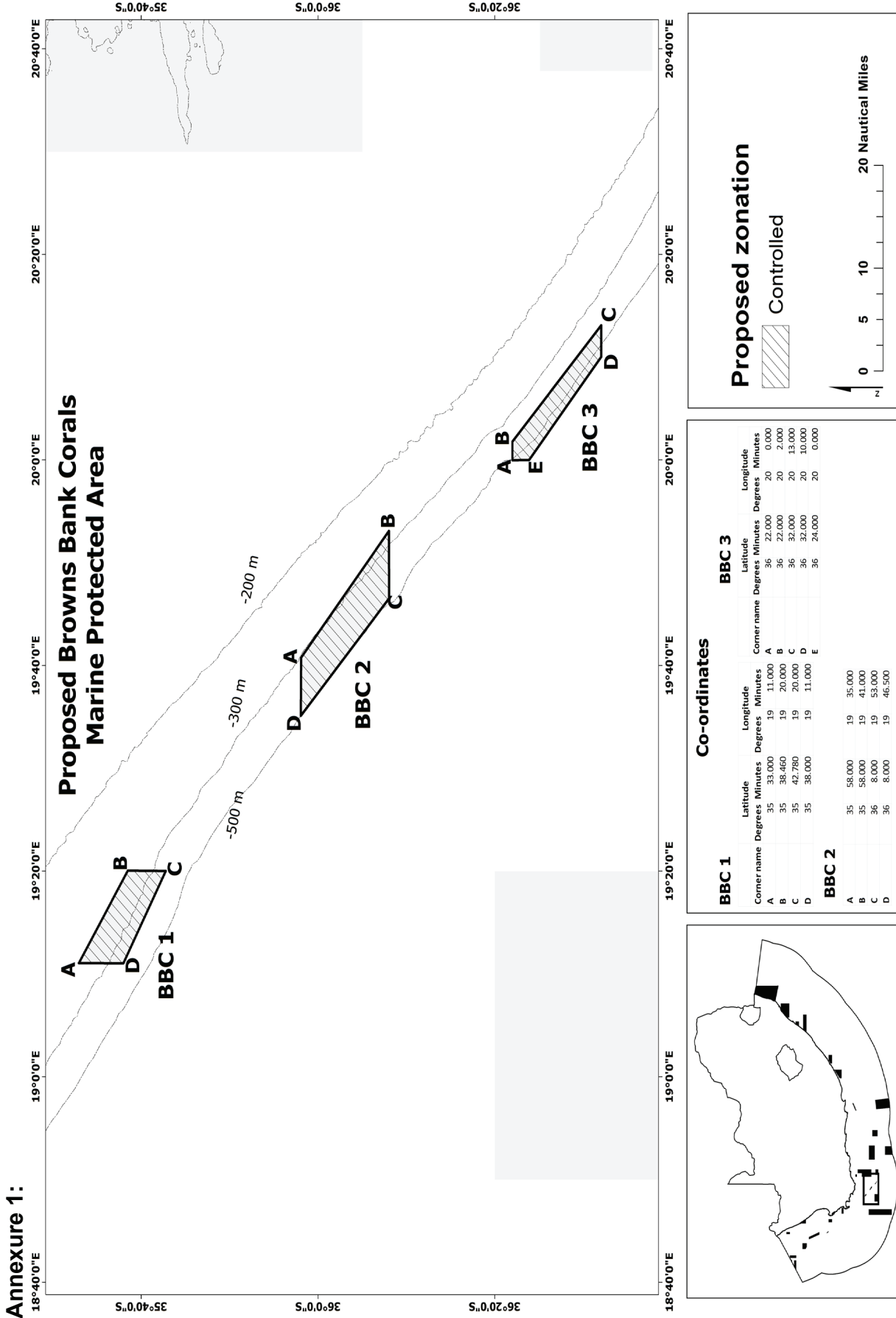


Fig. 1. The proposed boundaries for the Browns Bank Corals Marine Protected Area.

Table 1. The exact geographic coordinates (WGS 84) of points BBC 1 A-D, BBC 2 A-D and BBC 3 A-E in Fig 1.

	Corner name	X (East) Decimal Degrees	Y (South) Decimal Degrees	X (East) Degrees	X (East) Minutes	Y (South) Degrees	Y (South) Minutes
Browns Bank Corals 1 (BBC 1)	A	19.1833	-35.5500	19	11.000	35	33.000
	B	19.3333	-35.6410	19	20.000	35	38.460
	C	19.3333	-35.7130	19	20.000	35	42.780
	D	19.1833	-35.6333	19	11.000	35	38.000
Browns Bank Corals 2 (BBC 2)	A	19.5833	-35.9667	19	35.000	35	58.000
	B	19.6833	-35.9667	19	41.000	35	58.000
	C	19.8833	-36.1333	19	53.000	36	8.000
	D	19.7750	-36.1333	19	46.500	36	8.000
Browns Bank Corals 3 (BBC 3)	A	20.0000	-36.3667	20	0.000	36	22.000
	B	20.0333	-36.3667	20	2.000	36	22.000
	C	20.2167	-36.5333	20	13.000	36	32.000
	D	20.1667	-36.5333	20	10.000	36	32.000
	E	20.0000	-36.4000	20	0.000	36	24.000

DEPARTMENT OF ENVIRONMENTAL AFFAIRS

NO. R. 97

03 FEBRUARY 2016

**NATIONAL ENVIRONMENTAL MANAGEMENT: PROTECTED AREAS ACT, 2003
(ACT NO. 57 OF 2003)****DRAFT NOTICE DECLARING THE CHILDS BANK MARINE PROTECTED AREA
UNDER SECTION 22A OF THE NATIONAL ENVIRONMENTAL MANAGEMENT:
PROTECTED AREAS ACT, 2003 (ACT NO. 57 OF 2003)**

I, Bomo Edith Edna Molewa, Minister of Environmental Affairs, hereby publish for public comment, the intention to declare under section 22A of the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003), the Childs Bank Marine Protected Area as set out in the Schedule hereto.

Any person who wishes to submit representations or comments in connection with the proposed declaration is invited to do so within 90 days from the date of publication in the *Government Gazette* and by no later than 16h00 on the last day. Comments received after this time may not be considered. All representations and comments must be submitted in writing to the Deputy Director-General of the Department of Environmental Affairs, Branch Oceans and Coasts:

By post to: The Deputy Director-General
Environmental Affairs
Oceans and Coasts
Attention: Xola Mkefe
P.O Box 52126
V and A Waterfront, Cape Town
8002

By hand: East Pier Building 2, East Pier Road, V&A
Waterfront, Cape Town

By e-mail to: MPARegs@environment.gov.za
Enquiries: Xola Mkefe 021 819 2466



**BOMO EDITH EDNA MOLEWA
MINISTER OF ENVIRONMENTAL AFFAIRS**

SCHEDULE

All geographic co-ordinates are determined in accordance with the *WGS 84* datum, and all bearings are true bearings as set out in Annexure 1 hereto.

Boundaries of the Marine Protected Area

The Childs Bank Marine Protected Area in the Northern Cape is an offshore Marine Protected Area in the 180 m to 450 m depth range lying approximately 70 nautical miles east of Hondeklipbaai. The Child's Bank Marine Protected Area is bounded by a series of straight lines sequentially joining the following five coordinates: (A) 40° 30' S, 15° 36'E; (B) 40° 30' S, 16° 0' E; (C) 31° 0' S 16° 0' E; (D) 31° 0' S, 15° 45'E; and (E) 31° 54' S, 15° 36'E. The area includes the sea bed, water column and subsoil within these boundaries.

Purpose

The purpose for declaring this Marine Protected Area is:

- (a) To contribute to a national and global representative system of marine protected areas by providing protection to the benthic ecosystems of the outer shelf and shelf edge of this region;
- (b) to conserve and protect the Childs Bank feature and associated ecosystems including cold water coral colonies;
- (c) to conserve and protect the biodiversity and ecological processes associated with these ecosystems; and
- (d) to protect and provide an appropriate reference environment for research and monitoring particularly research on fisheries impacts and recovery.

Annexure 1:

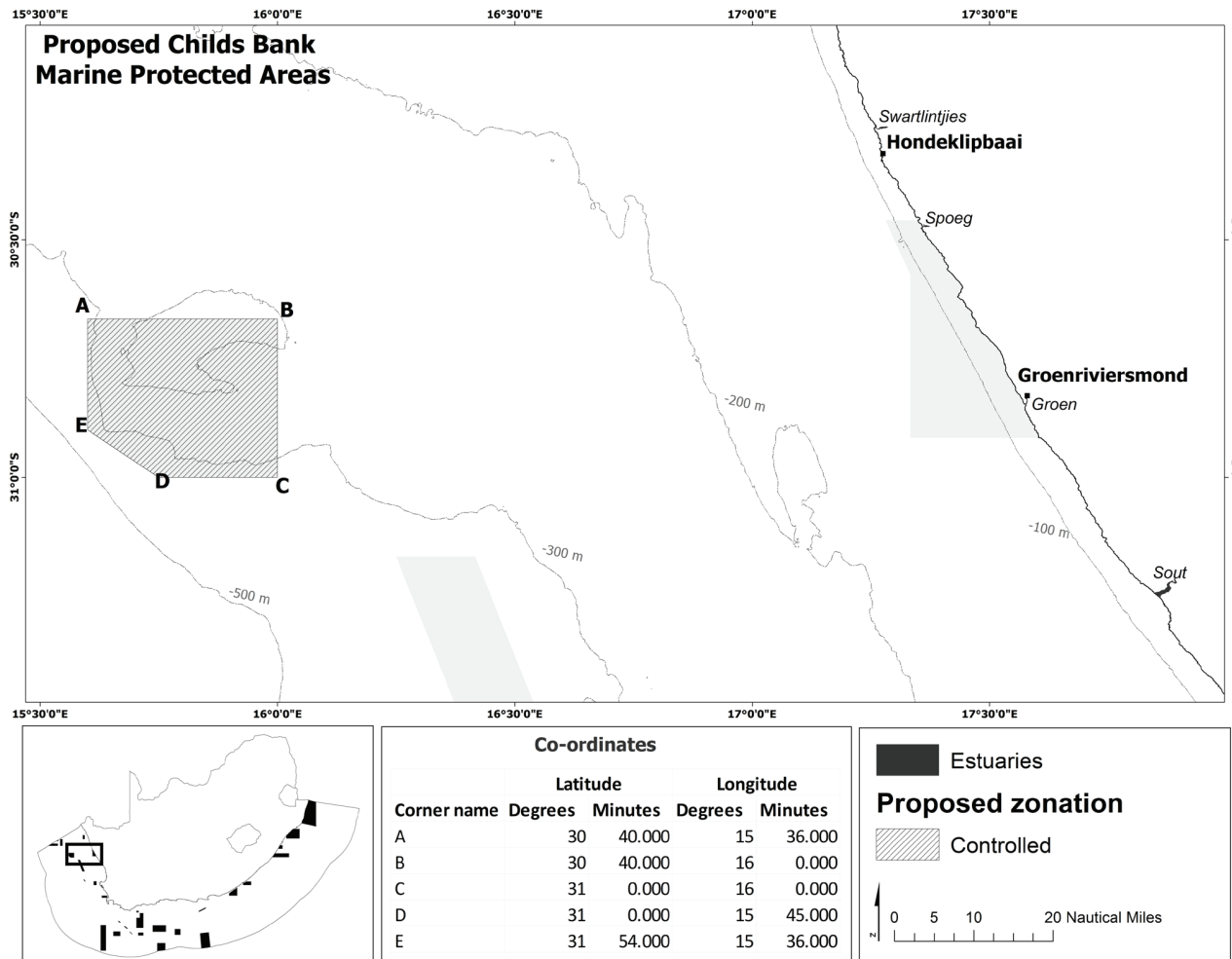


Figure1. The proposed boundaries for the Childs Bank Marine Protected Area.

Table1. The exact geographic coordinates (WGS 84) of points A-E in Fig 1.

Corner name	X (East) Decimal Degrees	Y (South) Decimal Degrees	X (East) Degrees	X (East) Minutes	Y (South) Degrees	Y (South) Minutes
A	15.6000	-30.6667	15	36.000	30	40.000
B	16.0000	-30.6667	16	0.000	30	40.000
C	16.0000	-31.0000	16	0.000	31	0.000
D	15.7500	-31.0000	15	45.000	31	0.000
E	15.6000	-30.9000	15	36.000	31	54.000

DEPARTMENT OF ENVIRONMENTAL AFFAIRS

NO. R. 98

03 FEBRUARY 2016

**NATIONAL ENVIRONMENTAL MANAGEMENT: PROTECTED AREAS ACT, 2003
(ACT NO. 57 OF 2003)****DRAFT NOTICE DECLARING THE BROWNS BANK COMPLEX MARINE
PROTECTED AREA UNDER SECTION 22A OF THE NATIONAL
ENVIRONMENTAL MANAGEMENT: PROTECTED AREAS ACT, 2003 (ACT NO.
57 OF 2003)**

I, Bomo Edith Edna Molewa, Minister of Environmental Affairs, hereby publishes for public comment, the intention to declare under section 22A of the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003), the Browns Bank Complex Marine Protected Area as set out in the Schedule hereto.

Any person who wishes to submit representations or comments in connection with the proposed declaration is invited to do so within 90 days from the date of publication in the *Government Gazette* and by no later than 16h00 on the last day. Comments received after this time may not be considered. All representations and comments must be submitted in writing to the Deputy Director-General of the Department of Environmental Affairs, Branch Oceans and Coasts:

By post to: **The Deputy Director-General
Environmental Affairs
Oceans and Coasts
Attention: Xola Mkefe
P.O Box 52126
V and A Waterfront, Cape Town
8002**

By hand: **East Pier Building 2, East Pier Road, V&A
Waterfront, Cape Town**

By e-mail to: **MPARegs@environment.gov.za**
Enquiries: **Xola Mkefe 021 819 2466**



**BOMO EDITH EDNA MOLEWA
MINISTER OF ENVIRONMENTAL AFFAIRS**

SCHEDULE

All geographic co-ordinates are determined in accordance with the *WGS 84* datum, and all bearings are true bearings as detailed in Annexure 1 hereto.

Boundaries of the Marine Protected Area

The Browns Bank Complex Marine Protected Area in the Western Cape is an offshore Marine Protected Area in the 100m to 200m depth range lying approximately 100 nautical miles southeast of Cape Agulhas. The Browns Bank Complex Marine Protected Area is bounded by a series of straight lines sequentially joining the following four coordinates: (A) 36° 25' S, 20° 38' E; (B) 36° 25' S, 21° 0' E; (C) 36° 38' S, 21° 0' E; and (D) 36° 38' S, 20° 38' E. The area includes the sea bed, water column and subsoil within these boundaries.

Purpose

The purpose for declaring this Marine Protected Area is:

- (a) To contribute to a national and global representative system of marine protected areas by providing protection to offshore benthic and pelagic ecosystems of this region;
- (b) to conserve and protect offshore gravel, sandy, rocky and open ocean habitats;
- (c) to conserve and protect threatened ecosystems;
- (d) to conserve and protect the biodiversity and ecological processes associated with these ecosystems;
- (e) to contribute to the conservation and protection of a fish spawning area;
- (f) to conserve and protect threatened seabird species that forage in this area; and
- (g) to protect and provide an appropriate reference environment for research and monitoring particularly research on ecosystem impacts and recovery.

Annexure 1:

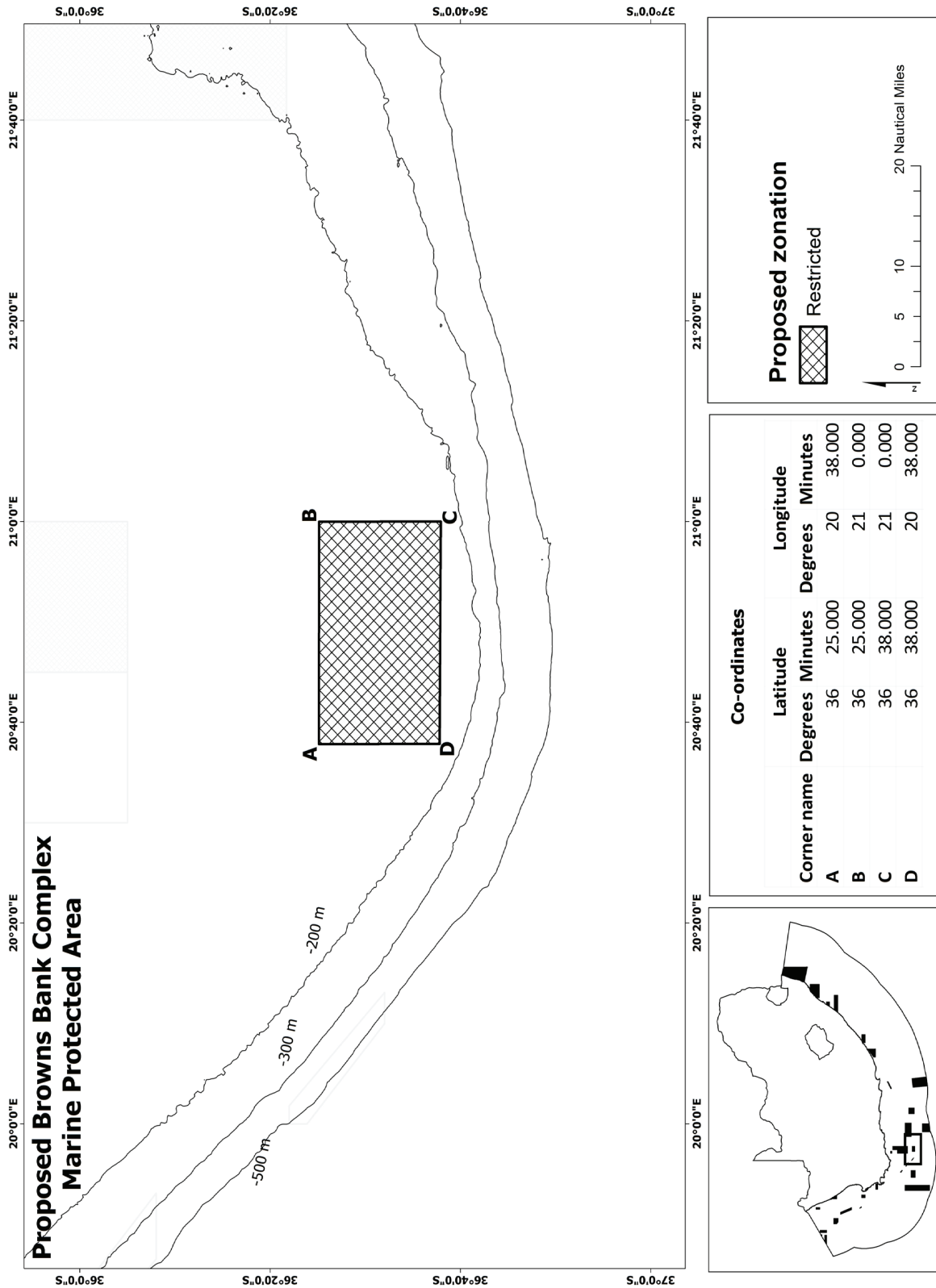


Fig. 1. The proposed boundaries for the Browns Bank Complex Marine Protected Area

Table 1. The exact geographic coordinates (WGS 84) of points A-D in Fig 1.

Corner name	X (East) Decimal Degrees	Y (South) Decimal Degrees	X (East) Degrees	X (East) Minutes	Y (South) Degrees	Y (South) Minutes
A	20.6333	-36.4167	20	38.000	36	25.000
B	21.0000	-36.4167	21	0.000	36	25.000
C	21.0000	-36.6333	21	0.000	36	38.000
D	20.6333	-36.6333	20	38.000	36	38.000

DEPARTMENT OF ENVIRONMENTAL AFFAIRS

NO. R. 99

03 FEBRUARY 2016

**NATIONAL ENVIRONMENTAL MANAGEMENT: PROTECTED AREAS ACT,
2003
(ACT NO. 57 OF 2003)**

**DRAFT REGULATIONS FOR THE MANAGEMENT OF THE NAMAQUA
FOSSIL FOREST MARINE PROTECTED AREA**

I, Bomo Edith Edna Molewa, Minister of Environmental Affairs, hereby publish for public comment, the draft Regulations for the Management of the Namaqua Fossil Forest Marine Protected Area in terms of sections 48A(2) and 86(1)(a), (b), (c) and (d) of the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003), as set out in the Schedule hereto.

Any person who wishes to submit representations or comments in connection with the draft regulations are invited to do so within 90 days from the date of publication in the *Government Gazette* and by no later than 16h00 on the last day. Comments received after this time may not be considered. All representations and comments must be submitted in writing to the Deputy Director-General of the Department of Environmental Affairs, Branch Oceans and Coasts:

By post to: The Deputy Director-General
Environmental Affairs
Oceans and Coasts
Attention: Xola Mkefe
P.O Box 52126
V and A Waterfront, Cape Town
8002

By hand: East Pier Building 2, East Pier Road, V&A
Waterfront, Cape Town

By e-mail to: MPARegs@environment.gov.za
Enquiries: Xola Mkefe 021 819 2466



**BOMO EDITH EDNA MOLEWA
MINISTER OF ENVIRONMENTAL AFFAIRS**

Schedule

1. Definitions

In these Regulations, unless the context indicates otherwise, a word or expression that is defined in the Act bears the same meaning in these Regulations, and in addition-

“Act” means the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003);

“certificate of competence” means a certificate of competence as defined in the National Small Vessel Safety Regulations, 2007;

“certificate of fitness” means a certificate of fitness as defined in the National Small Vessel Safety Regulations, 2007;

“Controlled Zone” means an area within a marine protected area where fishing or any other activity in terms of section 48A(1) of the Act may take place if authorised in terms of these regulations as contemplated in terms of section 48A(2) of the Act;

“environment” has the meaning assigned to it in section 1 of the National Environmental Management Act;

“fish” means any aquatic plant or animal whether piscine or not, and any mollusc, crustacean, coral, sponge, holothurian or other echinoderm, reptile and includes their eggs, larvae and all juvenile stages, but does not include sea birds, seals or any marine mammal;

“fishing” or to **“fish”** means—

- (a) searching for, catching, taking or harvesting fish or an attempt to any such activity;
- (b) engaging in any other activity which can reasonably be expected to result in the locating, catching, taking or harvesting of fish;
- (c) placing, searching for or recovering any fish aggregating device or associated gear, including radio beacons;
- (d) any operation in support or in preparation of any activity described in this definition; or
- (e) the use of an aircraft in relation to any activity described in this definition;

“hovercraft” means a craft that floats on a cushion of air and is capable of traversing water;

“Integrated Coastal Management Act” means the National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008);

“Marine Living Resources Act” means the Marine Living Resources Act, 1998 (Act No. 18 of 1998);

“Marine Protected Area” means the Namaqua Fossil Forest Marine Protected Area as declared by the Minister in terms of section 22A of the Act;

“National Small Vessel Safety Regulations” means the Merchant Shipping (National Small Vessel Safety) Regulations, 2007, published in terms of section 356 of the Merchant Shipping Act, 1951 (Act No. 57 of 1951) and promulgated in Government Notice No. R. 705 of 8 August 2007;

“operate” in respect of a vessel, includes mooring in the water, drifting in the water and ascending or descending from its mooring, the shore, launch site, a buoy or a jetty;

“personal watercraft” means a vessel that uses an inboard motor powering a water jet pump as its primary source of propulsion, and is designed to be operated by a person or persons sitting, standing, or kneeling on rather than within the confines of a hull;

“vessel” means a waterborne craft of any kind whether a surface craft or submarine, and whether self-propelled or not, and includes any moored floating structure that can be used as a means of transport by water and includes a personal watercraft and hovercraft; and

“WGS 84” means the World Geodetic System of 1984 (G730), which is a geographic co-ordinate system.

2. Zonation within the Marine Protected Area

The entire Namaqua Fossil Forest Marine Protected Area is zoned as a single Controlled Zone which is determined by using WGS 84 and detailed in Annexure 1 hereto.

3. Scientific research permit

- (1) No person may undertake any scientific research within the Marine Protected Area, except on the authority of a scientific research permit issued by the Minister.

- (2) Application for a scientific research permit in terms of sub-regulation (1) must be made to the Minister in accordance with the provisions of section 83 of the Marine Living Resources Act or any regulations published under the Integrated Coastal Management Act.

4. General restrictions within the Marine Protected Area

- (1) The owner, skipper or operator of a vessel shall not enter or operate a vessel in the Marine Protected Area without a valid certificate of competence and a certificate of fitness issued in respect of such vessel, and such original certificates must be available for inspection at all times.
- (2) A vessel shall not enter the Marine Protected Area unless the marking approved for that vessel in accordance with the provisions of the Merchant Shipping Act, 1951 (Act No. 57 of 1951), is displayed on the vessel at all times while the vessel is inside the Marine Protected Area.
- (3) The owner, skipper or operator of a vessel shall not enter or operate a vessel in the Marine Protected Area unless such vessel and any other equipment or contents of such vessel, comply with the safety and other requirements specified in the Merchant Shipping Act, 1951 (Act No. 57 of 1951) for such vessel.

5. Use of vessels

- (1) No person may moor or anchor any vessel in the Marine Protected Area except—
 - (a) under conditions of *force majeure*; or
 - (b) for the use of a vessel by an employee of the Department or any other organ of state acting in the course and scope of their employment or mandate.
- (2) Despite sub-regulation (1), the Minister may on application and on such conditions as he or she may deem appropriate, authorise the anchoring or mooring of a vessel in the following circumstances -
 - (a) in an emergency; or
 - (b) where the Minister may deem it to be necessary in order to ensure the proper management of the Marine Protected Area.

- (3) The Minister may verbally authorise a vessel to moor or anchor within the Marine Protected Area as contemplated in sub-regulation (2), which verbal authorisation must be confirmed in writing within 3 working days.

6. Restriction of activities

No person may undertake any activity listed in section 48A(1) of the Act, in the Marine Protected Area, unless authorised to do so in terms of these regulations.

7. Control of activities in Marine Protected Area

- (1) No person shall fish, or attempt to fish, from a vessel in the Marine Protected Area unless:
 - (a) they are in possession of a valid fishing permit in the large pelagic or small pelagic commercial fishing sectors issued in terms of the Marine Living Resources Act and such permit authorises fishing within the Marine Protected Area; or
 - (b) they are in possession of a valid recreational fishing permit issued in terms of the Marine Living Resources Act.
- (2) No person shall undertake recreational fishing in the Marine Protected Area in the period between 17h00 in the evening and 06h00 of the following day.
- (3) Fishing gear onboard a vessel or in possession of any person that enters or is present in the Marine Protected Area and who is not authorised to fish in terms of sub-regulation (1) must be stowed in the following manner:
 - (a) in the case of line fishing from a vessel, all hooks, lures, and weights are disconnected from the line, all the line is reeled onto the reel or rolled up, and that rolled up line, hooks, lures, bait and weights on the vessel are placed away in the cabin, wheel house or console of the vessel;
 - (b) in the case of purse-seine fishing the boom shall be lowered as far as possible so that the vessel cannot be used for fishing but so that the skiff is accessible for use in emergency situations;

- (c) in the case of a trawl fishing, all nets, trawl boards and weights shall be disconnected from their towing or hauling wires, ropes or rigid frames and either stowed below deck or securely lashed to some part of the superstructure of the fishing vessel;
- (d) in the case of rock lobster fishing all traps shall be on board and tied down; and all dinghies shall be on board and securely lashed to some part of the superstructure of the fishing vessel;
- (e) in the case of fishing with traps other than rock lobster traps, all traps shall be on board and tied down; and
- (f) in the case of longline fishing, all gear shall be covered and the cover secured.

8. Suspension, amendment and cancellation of permits

- (1) Subject to sub-regulations (2) and (3), a permit issued under these regulations may be suspended, cancelled or amended at any time.
- (2) A permit issued in terms of these regulations may be suspended, cancelled or amended, if—
 - (a) the Minister is satisfied on the basis of information that was not considered when the permit was issued, that it is necessary or desirable to suspend, cancel or amend the permit to prevent deterioration or further deterioration of the environment within the Marine Protected Area;
 - (b) other similar permits held by other persons have also been reviewed and the suspension, cancellation or amendment does not unfairly discriminate against the holder in relation to other holders of similar permits;
 - (c) the permit holder is in breach of a condition contained in the permit;
 - (d) the permit holder provided incorrect or false information in the application for the permit;

- (e) the holder of a permit has been convicted of an offence in terms of the Act, the National Environmental Management Act or a specific environmental management act or any regulations issued thereunder; or
 - (f) the reason for the issuing of the permit no longer exists.
- (3) A permit issued in terms of these regulations may be amended—
- (a) if an error needs to be corrected or rectified;
 - (b) at the request of the applicant;
 - (c) for the proper management and implementation of these regulations; or
 - (d) where the conditions or circumstances have changed since the original permit was issued.

9. Offences and penalties

In addition to any offence in terms of section 89 of the Act, any person who contravenes or fails to comply with—

- (a) regulations 3(1), 4, 5(1), 6 or 7;
- (b) a condition mentioned in a permit issued in terms of these regulations; or
- (c) a prohibition, instruction, rule or order imposed, given or issued under these regulations;

is guilty of an offence and liable in the case of a first conviction to a fine not exceeding R5 million or to imprisonment for a period not exceeding five years and in the case of a second or subsequent conviction to a fine not exceeding R10 million or imprisonment for a period not exceeding 10 years or in both instances to both a fine and such imprisonment.

10. Short title and commencement

These regulations are called the Namaqua Fossil Forest Marine Protected Area Regulations and commence upon date of publication in the *Gazette*.

Annexure 1

(Zonation of Namaqua Fossil Forest Marine Protected Area)

The Namaqua Fossil Forest Marine Protected Area is zoned as a single Controlled Zone. The Namaqua Fossil Forest Marine Protected Area is bounded by a series of straight lines sequentially joining the following four coordinates (A) 29° 23' S, 16° 36.6'E; (B) 29° 23' S, 16° 45' E; (C) 29° 40' S, 16° 45' E; and (D) 29° 40' S, 16° 36.6'E. The area includes the sea bed, water column and subsoil within these boundaries.

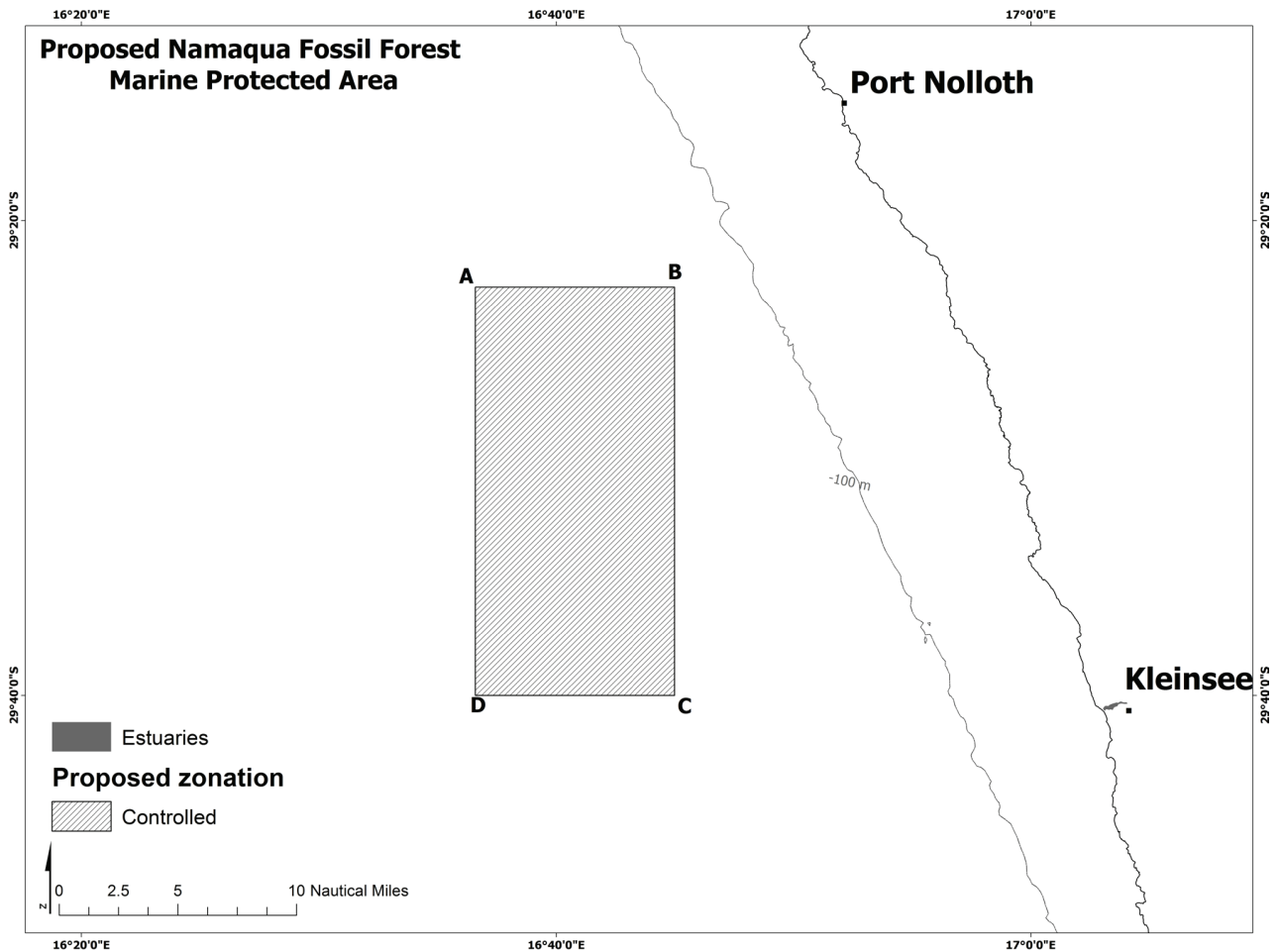


Fig. 1. The zonation for the Namaqua Fossil Forest Marine Protected Area

DEPARTMENT OF ENVIRONMENTAL AFFAIRS

NO. R. 100

03 FEBRUARY 2016

**NATIONAL ENVIRONMENTAL MANAGEMENT: PROTECTED AREAS ACT,
2003
(ACT NO. 57 OF 2003)**

**DRAFT REGULATIONS FOR THE MANAGEMENT OF THE PROTEA BANKS
MARINE PROTECTED AREA**

I, Bomo Edith Edna Molewa, Minister of Environmental Affairs, hereby publish for public comment, the draft Regulations for the Management of the Protea Banks Marine Protected Area in terms of sections 48A(2) and 86(1)(a), (b), (c) and (d) of the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003), as set out in the Schedule hereto.

Any person who wishes to submit representations or comments in connection with the draft regulations are invited to do so within 90 days from the date of publication in the *Government Gazette* and by no later than 16h00 on the last day. Comments received after this time may not be considered. All representations and comments must be submitted in writing to the Deputy Director-General of the Department of Environmental Affairs, Branch Oceans and Coasts:

By post to: **The Deputy Director-General
Environmental Affairs
Oceans and Coasts
Attention: Xola Mkefe
P.O Box 52126
V and A Waterfront, Cape Town
8002**

By hand: **East Pier Building 2, East Pier Road, V&A
Waterfront, Cape Town**

By e-mail to: **MPARegs@environment.gov.za**
Enquiries: **Xola Mkefe 021 819 2466**



**BOMO EDITH EDNA MOLEWA
MINISTER OF ENVIRONMENTAL AFFAIRS**

Schedule

1. Definitions

In these Regulations, unless the context indicates otherwise, a word or expression that is defined in the Act bears the same meaning in these Regulations, and in addition—

“**Act**” means the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003);

“**certificate of competence**” means a certificate of competence as defined in the National Small Vessel Safety Regulations, 2007;

“**certificate of fitness**” means a certificate of fitness as defined in the National Small Vessel Safety Regulations, 2007;

“**Controlled Zone**” means an area within a marine protected area where fishing or any other activity in terms of section 48A(1) of the Act may take place if authorised in terms of these regulations as contemplated in terms of section 48A(2) of the Act;

“**Controlled-Pelagic Zone**” means a Controlled Zone within the Marine Protected Area where pelagic fishing may occur as detailed in a fish list attached to these regulations as Annexure 2,

“**environment**” has the meaning assigned to it in section 1 of the National Environmental Management Act;

“**fish**” means any aquatic plant or animal whether piscine or not, and any mollusc, crustacean, coral, sponge, holothurian or other echinoderm, reptile and includes their eggs, larvae and all juvenile stages, but does not include sea birds, seals or any marine mammal;

“**fishing**” or to “**fish**” means—

- (a) searching for, catching, taking or harvesting fish or an attempt to any such activity;
- (b) engaging in any other activity which can reasonably be expected to result in the locating, catching, taking or harvesting of fish;
- (c) placing, searching for or recovering any fish aggregating device or associated gear, including radio beacons;
- (d) any operation in support or in preparation of any activity described in this

definition; or

(e) the use of an aircraft in relation to any activity described in this definition;

“hovercraft” means a craft that floats on a cushion of air and is capable of traversing water;

“Integrated Coastal Management Act” means the National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008);

“Marine Living Resources Act” means the Marine Living Resources Act, 1998 (Act No. 18 of 1998);

“Marine Protected Area” means the Protea Banks Marine Protected Area as declared by the Minister in terms of section 22A of the Act;

“National Small Vessel Safety Regulations” means the Merchant Shipping (National Small Vessel Safety) Regulations, 2007, published in terms of section 356 of the Merchant Shipping Act, 1951 (Act No. 57 of 1951) and promulgated in Government Notice No. R. 705 of 8 August 2007;

“operate” in respect of a vessel, includes mooring in the water, drifting in the water and ascending or descending from its mooring, the shore, launch site, a buoy or a jetty;

“personal watercraft” means a vessel that uses an inboard motor powering a water jet pump as its primary source of propulsion, and is designed to be operated by a person or persons sitting, standing, or kneeling on rather than within the confines of a hull;

“PCZ” means the Protea Controlled Zone;

“PCPZ” means the Protea Controlled-Pelagic Zone;

“PRZ” means the Protea Restricted Zone;

“Restricted Zone” means an area within a marine protected area where no fishing may take place, but where any other activity in terms of section 48A(1) of the Act may take place if authorised in terms of these regulations as contemplated in terms of section 48A(2) of the Act;

“SCUBA Diving” means swimming below the surface of the water, with the aid of compressed or pumped air or other gasses;

“vessel” means a waterborne craft of any kind whether a surface craft or submarine, and whether self-propelled or not, and includes any moored floating structure that can be used as a means of transport by water and includes a hovercraft and personal watercraft; and

“**WGS 84**” means the World Geodetic System of 1984 (G730), which is a geographic co-ordinate system.

2. Zonation within the Marine Protected Area

The Marine Protected Area consists of one (1) offshore Controlled Zone, one (1) offshore Controlled-Pelagic Zone and one (1) offshore Restricted Zone, which are determined by using WGS 84 as detailed in Annexure 1 hereto as follows:

- (a) one (1) off shore Controlled Zone, indicated as PCZ;
- (b) one (1) off shore Controlled-Pelagic Zone, indicated as PCPZ; and
- (c) one (1) off shore Restricted Zone, indicated as PRZ.

3. Scientific research permit

- (1) No person may undertake any scientific research within the Marine Protected Area, except on the authority of a scientific research permit issued by the Minister.
- (2) Application for a scientific research permit in terms of sub-regulation (1) must be made to the Minister in accordance with the provisions of section 83 of the Marine Living Resources Act or any regulations published under the Integrated Coastal Management Act.

4. General restrictions within the Marine Protected Area

- (1) The owner, skipper or operator of a vessel shall not enter or operate a vessel in the Marine Protected Area without a valid certificate of competence and certificate of fitness issued in respect of such vessel, and such original certificates must be available for inspection at all times.
- (2) A vessel shall not enter the Marine Protected Area unless the marking approved for that vessel in accordance with the provisions of the Merchant Shipping Act, 1951 (Act No. 57 of 1951), is displayed on the vessel at all times while the vessel is inside the Marine Protected Area.
- (3) The owner, skipper or operator of a vessel shall not enter or operate a vessel in the Marine Protected Area unless such vessel and any other equipment or contents of such vessel, comply with

the safety and other requirements specified in the Merchant Shipping Act, 1951 (Act No. 57 of 1951) for such vessel.

5. Use of vessels

- (1) No person may moor or anchor any vessel in the Marine Protected Area except—
 - (a) under conditions of *force majeure*; or
 - (b) for the use of a vessel by an employee of the Department or any other organ of state acting in the course and scope of their employment or mandate.
- (2) Despite sub-regulation (1), the Minister may on application and on such conditions as he or she may deem appropriate, authorise the anchoring or mooring of a vessel in the following circumstances:
 - (a) in an emergency; or
 - (b) where the Minister may deem it to be necessary in order to ensure the proper management of the Marine Protected Area.
- (3) The Minister may verbally authorise a vessel to moor or anchor within the Marine Protected Area as contemplated in sub-regulation (2), which verbal authorisation must be confirmed in writing within 3 working days.

6. Restriction of activities

No person may undertake any activity listed in section 48A(1) of the Act, in the Marine Protected Area, unless authorised in terms of these regulations.

7. Control of activities in the Restricted Zone

- (1) No person shall fish, or attempt to fish, in the PRZ.
- (2) Fishing gear onboard a vessel or in possession of any person that enters or is present in the PRZ must be stowed in the following manner:
 - (a) In the case of line fishing from a vessel, all hooks, lures, and weights are disconnected from the line, all the line is reeled onto the reel or rolled up, and that rolled up line, hooks, lures,

bait and weights on the vessel are placed away in the cabin, wheel house or console of the vessel;

- (b) in the case of purse-seine fishing, the boom shall be lowered as far as possible so that the vessel cannot be used for fishing but so that the skiff is accessible for use in emergency situations;
- (c) in the case of a trawl fishing, all nets, trawl boards and weights shall be disconnected from their towing or hauling wires, ropes or rigid frames and either stowed below deck or securely lashed to some part of the superstructure of the fishing vessel;
- (d) in the case of rock lobster fishing, all traps shall be on board and tied down; and all dinghies shall be on board and securely lashed to some part of the superstructure of the fishing vessel;
- (e) in the case of fishing with traps other than rock lobster traps, all traps shall be on board and tied down; and
- (f) in the case of longline fishing, all gear shall be covered and the cover secured.

8. Control of activities in the Controlled Zones

- (1) No person shall fish, or attempt to fish, from a vessel in the PCPZ or PCZ unless:
 - (a) they are in possession of a valid fishing permit in the line fish commercial fishing sector issued in terms of the Marine Living Resources Act and such permit authorises fishing within the PCPZ or PCZ of the Marine Protected Area; or
 - (b) they are in possession of a valid recreational fishing permit issued in terms of the Marine Living Resources Act.
- (2) Notwithstanding anything to the contrary, a person in possession of a recreational fishing permit as contemplated in sub-regulation (1)(b), may only fish for the species specified in Annexure 2 to these regulations, when fishing in the PCPZ.
- (3) Notwithstanding anything to the contrary, a person in possession of a recreational fishing permit as contemplated in sub-regulation (1)(b), may not fish for any shark species (Elasmobranchii) within the PCPZ or PCZ zones.

- (4) No person shall undertake recreational fishing in the PCPZ or PCZ in the period between 17h00 in the evening and 06h00 of the following day.
- (5) Fishing gear onboard a vessel or in possession of any person that enters or is present in the PCPZ or PCZ and who is not authorised to fish in terms of sub-regulation (1), must be stowed in accordance with regulation 7(2).

9. SCUBA diving

- (1) No person may operate or attempt to operate a SCUBA diving business in the Marine Protected Area without a permit.
- (2) Application for a permit referred to in sub-regulation (1) must be made to the Minister and may be issued subject to conditions.
- (3) Any vessel that has deployed divers in the Marine Protected Area must display an alpha flag.

10. Suspension, amendment and cancellation of permits

- (1) Subject to sub-regulations (2) and (3), a permit issued under these regulations may be suspended, cancelled or amended at any time.
- (2) A permit issued in terms of these regulations may be suspended, cancelled or amended, if—
 - (a) the Minister is satisfied on the basis of information that was not considered when the permit was issued, that it is necessary or desirable to suspend, cancel or amend the permit to prevent deterioration or further deterioration of the environment within the Marine Protected Area;
 - (b) other similar permits held by other persons have also been reviewed and the suspension, cancellation or amendment does not unfairly discriminate against the holder in relation to other holders of similar permits;
 - (c) the permit holder is in breach of a condition contained in the permit;
 - (d) the permit holder provided incorrect or false information in the application for the permit;

- (e) the holder of a permit has been convicted of an offence in terms of the Act, the National Environmental Management Act or a specific environmental management Act or any regulations issued thereunder; or
 - (f) the reason for the issuing of the permit no longer exists.
- (3) A permit issued in terms of these regulations may be amended—
- (a) if an error needs to be corrected or rectified;
 - (b) at the request of the applicant;
 - (c) for the proper management and implementation of these regulations; or
 - (d) where the conditions or circumstances have changed since the original permit was issued.

11. Offences and penalties

In addition to any offence in terms of section 89 of the Act, any person who contravenes or fails to comply with—

- (a) regulations 3(1), 4, 5(1), 6, 7, 8, 9(1) or 9(3);
- (b) a condition mentioned in a permit issued in terms of these regulations; or
- (c) a prohibition, instruction, rule or order imposed, given or issued under these regulations;

is guilty of an offence and liable in the case of a first conviction to a fine not exceeding R5 million or to imprisonment for a period not exceeding five years and in the case of a second or subsequent conviction to a fine not exceeding R10 million or imprisonment for a period not exceeding 10 years or in both instances to both a fine and such imprisonment.

12. Short title and commencement

These regulations are called the Protea Banks Marine Protected Area Regulations and commence upon date of publication in the *Gazette*.

Annexure 1

- (1) **Protea Offshore Restricted Zone (PRZ)** comprises the offshore portion of the Protea Banks Marine Protected Area and is defined as the area within straight lines sequentially joining the following seven co-ordinates, (A) 30°19.587'E and 30°56.660'S (B) 30°20.233'E and 30°56.660'S; (H) 30°56.660'E and 30°34.0'S (G) 30°34.0'S and 30°42.0'E; (D) 31°30.0'E and 30°42.0'S; (E) 31°30.0'E and 30°58.672'S; (F) 30°18.512'E and 30°58.672'S; linking to the offshore boundary of the existing Trafalgar marine protected area and linking the first co-ordinate to the last.
- (2) **Protea Offshore Controlled-Pelagic Zone (PCPZ)** comprises the central portion of the Protea Banks Marine Protected Area and is defined as the area within straight lines sequentially joining the following four co-ordinates, (I) 30°34.0'E and 30°49.0'S (J) 30°28.3'E and 30°49.0'S; (K) 30°28.3'E and 30°55.3'S; (L) 30°34.0'E and 30°55.3'S; linking the last co-ordinate to the first.
- (3) **Protea Offshore Controlled Zone (PCZ)** comprises the remaining section of the Protea Banks Marine Protected Area and is defined as the area within straight lines joining the following eight co-ordinates, (G) 30°34.0'E and 30°42.0'S (C) 30°30.0'E and 30°42.0'S; (B) 30°20.253'E and 30°42.0'S; (H) 30°34.0'E and 30°56.660'S; (L) 30°34.0'E and 30°55.3'S; (K) 30°28.3'E and 30°55.3'S; (J) 30°28.3'E and 30°49.0'S and (I) 30°34.0'E and 30°49.0'S; linking the last co-ordinate to the first.

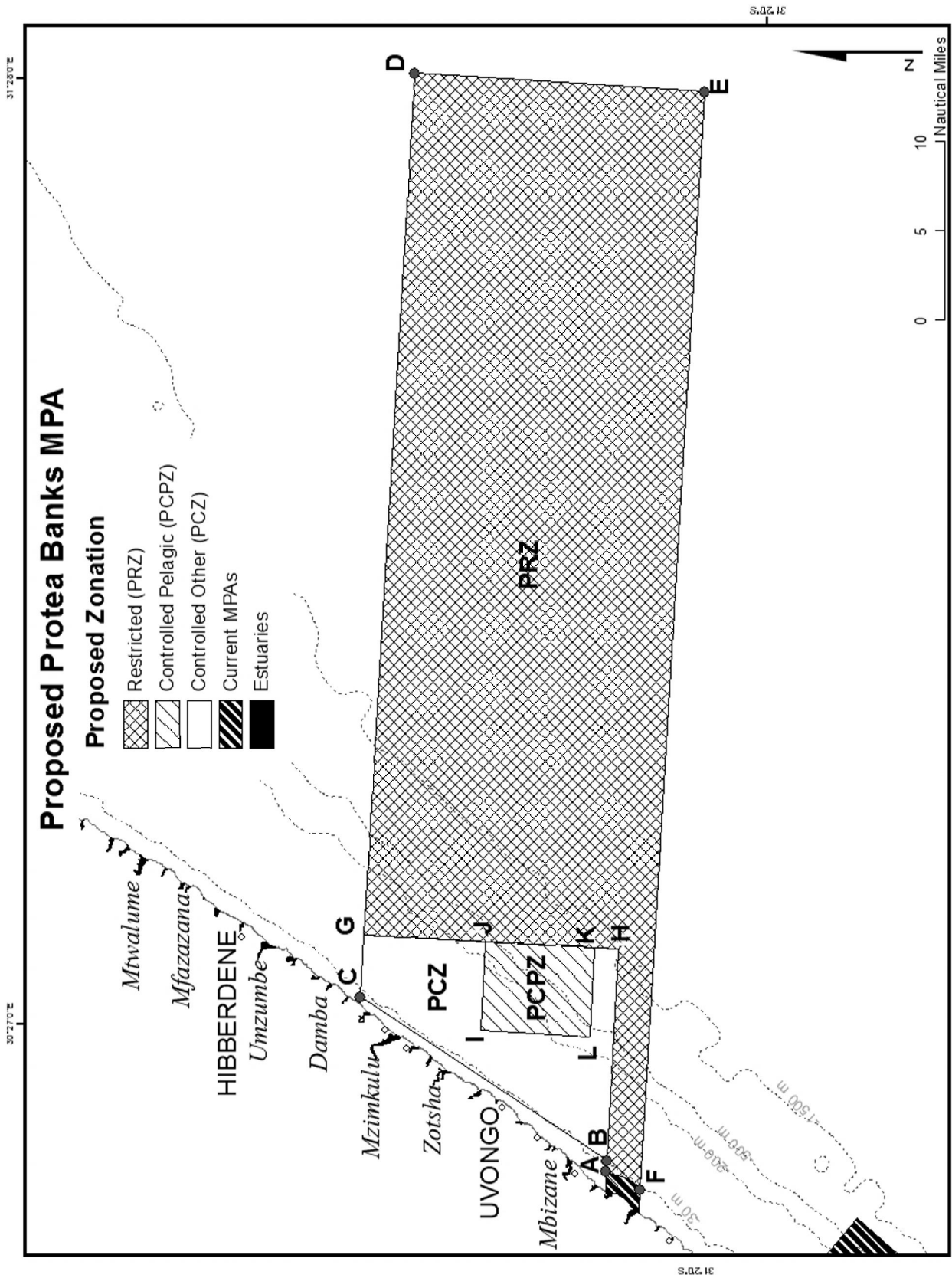


Figure 1. The Proposed Protea Banks MPA offshore zonation

Table 1: Table of co-ordinates of the Proposed Protea Banks MPA

Corner	Latitude South		Longitude East	
	Degrees	Minutes	Degrees	Minutes
A	30	56.660	30	19.587
B	30	56.660	30	20.233
C	30	42.000	30	30.000
D	30	42.000	31	30.000
E	30	58.672	31	30.000
F	30	58.672	30	18.512
G	30	42.000	30	34.000
H	30	56.660	30	34.000
I	30	49.000	30	28.000
J	30	49.000	30	34.000
K	30	55.300	30	34.000
L	30	55.300	30	28.000

Annexure 2

Draft pelagic fish species list for the Controlled-Pelagic Zone

(Note: This is a list of game and bait fish species that MAY be caught in the Controlled-Pelagic Zone inside the PCPZ of the Protea Marine Protected Area. Family names are given as all species in these families may be caught)

Pelagic gamefish species:

Carangidae – kingfish, garrick, yellowtail, queenfish, etc.

Coryphaenidae – Dorado/dolphin fish

Istiophoridae – Sailfish and marlin

Pomatomidae – Shad/elf

Rachycentridae – Prodigal son/Cobia

Scombridae – Tunas, mackerels, wahoo, etc.

Sphyraenidae – Barracudas

Xiphiidae – Swordfish/broadbill

Pelagic baitfish species (includes carangids and scombrids as indicated above):

Atherinidae – silversides

Belonidae – garfish

Chirocentridae – wolf herring/slimy

Clupeidae – red-eyes, sardines, etc.

Engraulidae – anchovies, glass-noses/bonies, etc.

Exocoetidae - flyingfishes

Hemiramphidae – halfbeaks

Scomberesocidae - sauries

DEPARTMENT OF ENVIRONMENTAL AFFAIRS

NO. R. 101

03 FEBRUARY 2016

**NATIONAL ENVIRONMENTAL MANAGEMENT: PROTECTED AREAS
ACT, 2003
(ACT NO. 57 OF 2003)**

**DRAFT REGULATIONS FOR THE MANAGEMENT OF THE PORT
ELIZABETH CORALS MARINE PROTECTED AREA**

I, Bomo Edith Edna Molewa, Minister of Environmental Affairs, hereby publish for public comment, the draft Regulations for the Management of the Port Elizabeth Corals Marine Protected Area in terms of sections 48A(2) and 86(1)(a), (b), (c) and (d) of the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003), as set out in the Schedule hereto.

Any person who wishes to submit representations or comments in connection with the draft regulations are invited to do so within 90 days from the date of publication in the *Government Gazette* and by no later than 16h00 on the last day. Comments received after this time may not be considered. All representations and comments must be submitted in writing to the Deputy Director-General of the Department of Environmental Affairs, Branch Oceans and Coasts:

By post to: **The Deputy Director-General
Environmental Affairs
Oceans and Coasts
Attention: Xola Mkefe
P.O Box 52126
V and A Waterfront, Cape Town
8002**

By hand: **East Pier Building 2, East Pier Road, V&A
Waterfront, Cape Town**

By e-mail to: **MPARegs@environment.gov.za**
Enquiries: **Xola Mkefe 021 819 2466**



**BOMO EDITH EDNA MOLEWA
MINISTER OF ENVIRONMENTAL AFFAIRS**

Schedule

1. Definitions

In these Regulations, unless the context indicates otherwise, a word or expression that is defined in the Act bears the same meaning in these Regulations, and in addition—

“Act” means the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003);

“certificate of competence” means a certificate of competence as defined in the National Small Vessel Safety Regulations, 2007;

“certificate of fitness” means a certificate of fitness as defined in the National Small Vessel Safety Regulations, 2007;

“Controlled Zone” means an area within a marine protected area where fishing or any other activity in terms of section 48A(1) of the Act may take place if authorised in terms of these regulations as contemplated in terms of section 48A(2) of the Act;

“environment” has the meaning assigned to it in section 1 of the National Environmental Management Act;

“fish” means any aquatic plant or animal whether piscine or not, and any mollusc, crustacean, coral, sponge, holothurian or other echinoderm, reptile and includes their eggs, larvae and all juvenile stages, but does not include sea birds, seals or any marine mammal;

“fishing” or to **“fish”** means—

- (a) searching for, catching, taking or harvesting fish or an attempt to any such activity;
- (b) engaging in any other activity which can reasonably be expected to result in the locating, catching, taking or harvesting of fish;
- (c) placing, searching for or recovering any fish aggregating device or associated gear, including radio beacons;
- (d) any operation in support or in preparation of any activity described in this definition; or
- (e) the use of an aircraft in relation to any activity described in this definition;

“hovercraft” means a craft that floats on a cushion of air and is capable of traversing water;

“Integrated Coastal Management Act” means the National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008);

“Marine Living Resources Act” means the Marine Living Resources Act, 1998 (Act No. 18 of 1998);

“Marine Protected Area” means the Port Elizabeth Corals Marine Protected Area as declared by the Minister in terms of section 22A of the Act;

“National Small Vessel Safety Regulations” means the Merchant Shipping (National Small Vessel Safety) Regulations, 2007, published in terms of section 356 of the Merchant Shipping Act, 1951 (Act No. 57 of 1951) and promulgated in Government Notice No. R. 705 of 8 August 2007;

“operate” in respect of a vessel, includes mooring in the water, drifting in the water and ascending or descending from its mooring, the shore, launch site, a buoy or a jetty;

“personal watercraft” means a vessel that uses an inboard motor powering a water jet pump as its primary source of propulsion, and is designed to be operated by a person or persons sitting, standing, or kneeling on rather than within the confines of a hull;

“vessel” means a waterborne craft of any kind whether a surface craft or submarine, and whether self-propelled or not, and includes any moored floating structure that can be used as a means of transport by water and includes a personal watercraft and hovercraft; and

“WGS 84” means the World Geodetic System of 1984 (G730), which is a geographic co-ordinate system.

2. Zonation within the Marine Protected Area

The entire Port Elizabeth Corals Marine Protected Area is zoned as a single Controlled Zone which is determined by using WGS 84 and detailed in Annexure 1 hereto.

3. Scientific research permit

- (1) No person may undertake any scientific research within the Marine Protected Area, except on the authority of a scientific research permit issued by the Minister.
- (2) Application for a scientific research permit in terms of sub-regulation (1) must be made to the Minister in accordance with the provisions of section 83 of the Marine Living Resources Act or any regulations published under the Integrated Coastal Management Act.

4. General restrictions within the Marine Protected Area

- (1) The owner, skipper or operator of a vessel shall not enter or operate a vessel in the Marine Protected Area without a valid certificate of competence and certificate of fitness issued in respect of such vessel, and such original certificates must be available for inspection at all times.
- (2) A vessel shall not enter the Marine Protected Area unless the marking approved for that vessel in accordance with the provisions of the Merchant Shipping Act, 1951 (Act No. 57 of 1951), is displayed on the vessel at all times while the vessel is inside the Marine Protected Area.
- (3) The owner, skipper or operator of a vessel shall not enter or operate a vessel in the Marine Protected Area unless such vessel and any other equipment or contents of such vessel, comply with the safety and other requirements specified in the Merchant Shipping Act, 1951 (Act No. 57 of 1951) for such vessel.

5. Use of vessels

- (1) No person may moor or anchor any vessel in the Marine Protected Area except—
 - (a) under conditions of *force majeure*; or
 - (b) for the use of a vessel by an employee of the Department or any other organ of state acting in the course and scope of their employment or mandate.
- (2) Despite sub-regulation (1), the Minister may on application and on such conditions as he or she may deem appropriate, authorise the anchoring or mooring of a vessel in the following circumstances—
 - (a) in an emergency; or
 - (b) where the Minister may deem it to be necessary in order to ensure the proper management of the Marine Protected Area.
- (3) The Minister may verbally authorise a vessel to moor or anchor within the Marine Protected Area as contemplated in sub-regulation (2), which verbal authorisation must be confirmed in writing within 3 working days.

6. Restriction of activities

No person may undertake any activity listed in section 48A(1) of the Act, in the Marine Protected Area, unless authorised to do so in terms of these regulations.

7. Control of activities in Marine Protected Area

- (1) No person shall fish, or attempt to fish from a vessel in the Marine Protected Area unless they are in possession of a valid fishing permit in the large pelagic or small pelagic commercial fishing sectors issued in terms of the Marine Living Resources Act and such permit authorises fishing within the Marine Protected Area.
- (2) Fishing gear onboard a vessel or in possession of any person that enters or is present in the Marine Protected Area and who is not authorised to fish in terms of sub-regulation (1), must be stowed in the following manner -
 - (a) In the case of line fishing from a vessel, all hooks, lures, and weights are disconnected from the line, all the line is reeled onto the reel or rolled up, and that rolled up line, hooks, lures, bait and weights on the vessel are placed away in the cabin, wheel house or console of the vessel;
 - (b) in the case of purse-seine fishing, the boom shall be lowered as far as possible so that the vessel cannot be used for fishing but so that the skiff is accessible for use in emergency situations;
 - (c) in the case of a trawl fishing, all nets, trawl boards and weights shall be disconnected from their towing or hauling wires, ropes or rigid frames and either stowed below deck or securely lashed to some part of the superstructure of the fishing vessel;
 - (d) in the case of rock lobster fishing, all traps shall be on board and tied down; and all dinghies shall be on board and securely lashed to some part of the superstructure of the fishing vessel;
 - (e) in the case of fishing with traps other than rock lobster traps, all traps shall be on board and tied down; and
 - (f) in the case of longline fishing, all gear shall be covered and the cover secured.

8. Suspension, amendment and cancellation of permits

- (1) Subject to sub-regulations (2) and (3), a permit issued under these regulations may be suspended, cancelled or amended at any time.
- (2) A permit issued in terms of these regulations may be suspended, cancelled or amended, if—
 - (a) the Minister is satisfied on the basis of information that was not considered when the permit was issued, that it is necessary or desirable to suspend, cancel or amend the permit to prevent deterioration or further deterioration of the environment within the Marine Protected Area;
 - (b) other similar permits held by other persons have also been reviewed and the suspension, cancellation or amendment does not unfairly discriminate against the holder in relation to other holders of similar permits;
 - (c) the permit holder is in breach of a condition contained in the permit;
 - (d) the permit holder provided incorrect or false information in the application for the permit;
 - (e) the holder of a permit has been convicted of an offence in terms of the Act, the National Environmental Management Act or a specific environmental management act or any regulations issued thereunder; or
 - (f) the reason for the issuing of the permit no longer exists.
- (3) A permit issued in terms of these regulations may be amended—
 - (a) if an error needs to be corrected or rectified;
 - (b) at the request of the applicant;
 - (c) for the proper management and implementation of these regulations; or
 - (d) where the conditions or circumstances have changed since the original permit was issued.

9. Offences and penalties

In addition to any offence in terms of section 89 of the Act, any person who contravenes or fails to comply with—

- (a) regulations 3(1), 4, 5(1), 6 or 7;
- (b) a condition mentioned in a permit issued in terms of these regulations; or
- (c) a prohibition, instruction, rule or order imposed, given or issued under these regulations;

is guilty of an offence and liable in the case of a first conviction to a fine not exceeding R5 million or to imprisonment for a period not exceeding five years and in the case of a second or subsequent conviction to a fine not exceeding R10 million or imprisonment for a period not exceeding 10 years or in both instances to both a fine and such imprisonment.

10. Short title and commencement

These regulations are called the Port Elizabeth Corals Marine Protected Area Regulations and commence upon date of publication in the *Gazette*.

Annexure 1

(Zonation for the Port Elizabeth Corals Marine Protected Area)

The entire Port Elizabeth Corals Marine Protected Area is zoned as a single Controlled Zone and is bounded by a series of straight lines sequentially joining the following four coordinates (A) 34° 35' S, 25° 30' E; (B) 34° 40' S, 25° 30' E; (C) 34° 55' S, 25° 0' E; (D) 34° 50' S, 25° 0' E. The area includes the sea bed, water column and subsoil within these boundaries.

Fig. 1. Zonation for the Port Elizabeth Corals Marine Protected Area

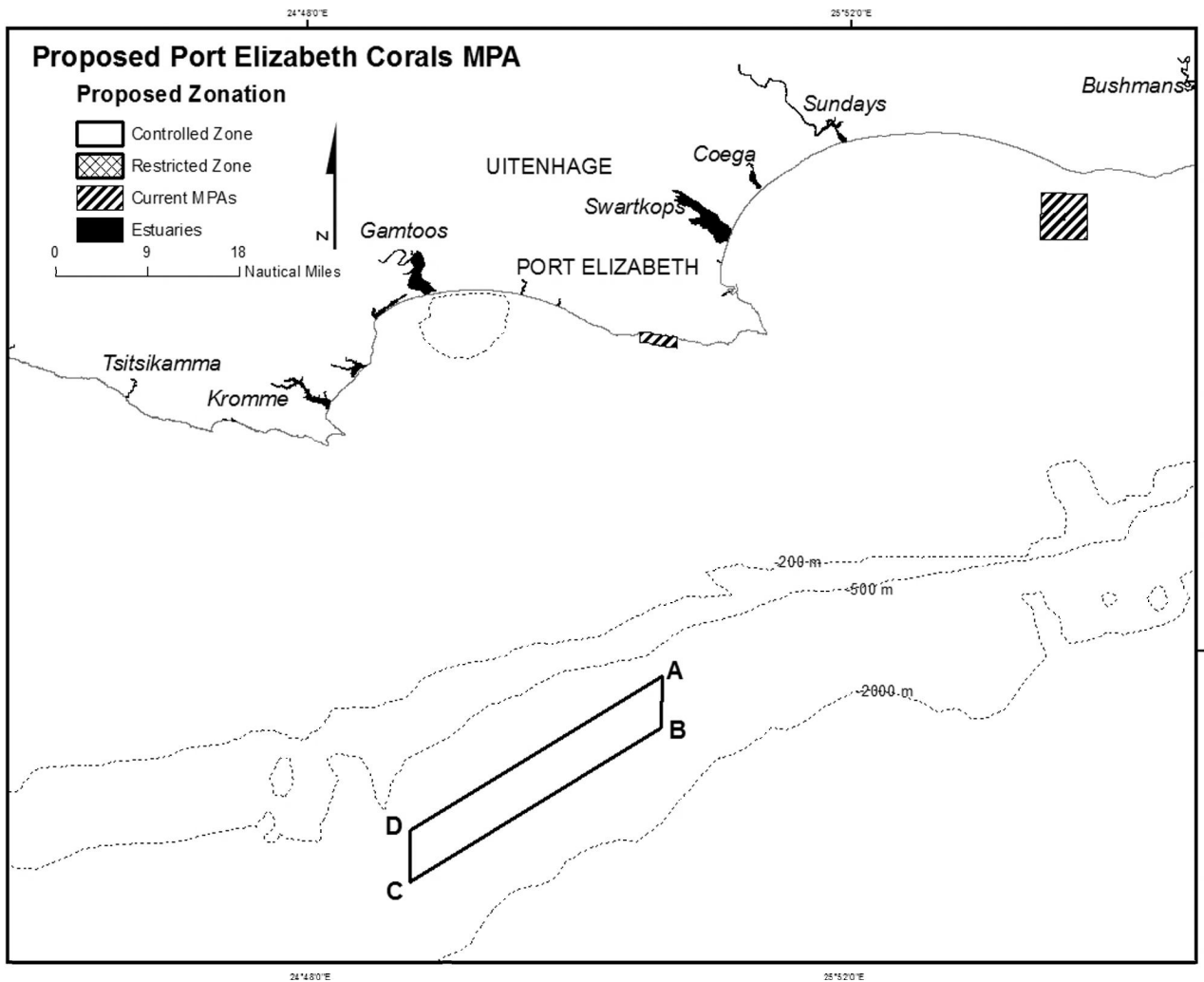


Table 1: Table of co-ordinates for the Port Elizabeth Corals Marine Protected Area

Corner name	Latitude	Longitude	Latitude South		Longitude East	
	Decimal Degrees	Decimal Degrees	Degrees	Minutes	Degrees	Minutes
A	25.450	-34.617	25	27.000	34	37.000
B	25.500	-34.708	25	30.000	34	43.000
C	25.064	-34.910	25	38.400	34	54.600
D	25.000	-34.833	25	0.000	34	50.000

DEPARTMENT OF ENVIRONMENTAL AFFAIRS

NO. R. 102

03 FEBRUARY 2016

**NATIONAL ENVIRONMENTAL MANAGEMENT: PROTECTED AREAS
ACT, 2003
(ACT NO. 57 OF 2003)**

**DRAFT REGULATIONS FOR THE MANAGEMENT OF THE AGULHAS
BANK COMPLEX MARINE PROTECTED AREA**

I, Bomo Edith Edna Molewa, Minister of Environmental Affairs, hereby publish for public comment, the draft Regulations for the Management of the Agulhas Bank Complex Marine Protected Area in terms of sections 48A(2) and 86(1)(a), (b), (c) and (d) of the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003), as set out in the Schedule hereto.

Any person who wishes to submit representations or comments in connection with the draft regulations are invited to do so within 90 days from the date of publication in the *Government Gazette* and by no later than 16h00 on the last day. Comments received after this time may not be considered. All representations and comments must be submitted in writing to the Deputy Director-General of the Department of Environmental Affairs, Branch Oceans and Coasts:

By post to: **The Deputy Director-General
Environmental Affairs
Oceans and Coasts
Attention: Xola Mkefe
P.O Box 52126
V and A Waterfront, Cape Town
8002**

By hand: **East Pier Building 2, East Pier Road, V&A
Waterfront, Cape Town**

By e-mail to: **MPARegs@environment.gov.za**
Enquiries: **Xola Mkefe 021 819 2466**



**BOMO EDITH EDNA MOLEWA
MINISTER OF ENVIRONMENTAL AFFAIRS**

Schedule

1. Definitions

In these Regulations, unless the context indicates otherwise, a word or expression that is defined in the Act bears the same meaning in these Regulations, and in addition—

“**Act**” means the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003);

“**ABRZ**” means the Agulhas Bank Complex Restricted Zone;

“**ABCZ**” means the Agulhas Bank Complex Controlled Zone;

“**certificate of competence**” means a certificate of competence as defined in the National Small Vessel Safety Regulations, 2007;

“**certificate of fitness**” means a certificate of fitness as defined in the National Small Vessel Safety Regulations, 2007;

“**Controlled Zone**” means an area within a marine protected area where fishing or any other activity in terms of section 48A(1) of the Act may take place if authorised in terms of these regulations as contemplated in terms of section 48A(2) of the Act;

“**environment**” has the meaning assigned to it in section 1 of the National Environmental Management Act;

“**fish**” means any aquatic plant or animal whether piscine or not, and any mollusc, crustacean, coral, sponge, holothurian or other echinoderm, reptile and includes their eggs, larvae and all juvenile stages, but does not include sea birds, seals or any marine mammal;

“**fishing**” or to “**fish**” means—

- (a) searching for, catching, taking or harvesting fish or an attempt to any such activity;
- (b) engaging in any other activity which can reasonably be expected to result in the locating, catching, taking or harvesting of fish;
- (c) placing, searching for or recovering any fish aggregating device or associated gear, including radio beacons;
- (d) any operation in support or in preparation of any activity described in this definition; or
- (e) the use of an aircraft in relation to any activity described in this definition;

“hovercraft” means a craft that floats on a cushion of air and is capable of traversing water;

“Integrated Coastal Management Act” means the National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008);

“Marine Living Resources Act” means the Marine Living Resources Act, 1998 (Act No. 18 of 1998);

“Marine Protected Area” means the Agulhas Bank Complex Marine Protected Area as declared by the Minister in terms of section 22A of the Act;

“National Small Vessel Safety Regulations” means the Merchant Shipping (National Small Vessel Safety) Regulations, 2007, published in terms of section 356 of the Merchant Shipping Act, 1951 (Act No. 57 of 1951) and promulgated in Government Notice No. R. 705 of 8 August 2007;

“operate” in respect of a vessel, includes mooring in the water, drifting in the water and ascending or descending from its mooring, the shore, launch site, a buoy or a jetty;

“personal watercraft” means a vessel that uses an inboard motor powering a water jet pump as its primary source of propulsion, and is designed to be operated by a person or persons sitting, standing, or kneeling on, rather than within the confines of a hull;

“Restricted Zone” means an area within the Marine Protected Area where no fishing may take place, but where any other activity in terms of section 48A(1) of the Act may take place if authorised in terms of these regulations as contemplated in terms of section 48A(2) of the Act;

“vessel” means a waterborne craft of any kind whether a surface craft or submarine, and whether self-propelled or not, and includes any moored floating structure that can be used as a means of transport by water and includes a personal watercraft and hovercraft; and

“WGS 84” means the World Geodetic System of 1984 (G730), which is a geographic co-ordinate system.

2. Zonation within the Marine Protected Area

The Marine Protected Area consists of one (1) Restricted Zone and one (1) Controlled Zone, which are determined by using WGS 84 as detailed in Annexure 1 hereto as follows:

- (a) Restricted Zone, indicated as the Agulhas Bank Complex Restricted Zone (ABRZ); and

- (b) Controlled Zone, indicated as the Agulhas Bank Complex Controlled Zone (ABCZ).

3. Scientific research permit

- (1) No person may undertake any scientific research within the Marine Protected Area, except on the authority of a scientific research permit issued by the Minister.
- (2) Application for a scientific research permit in terms of sub-regulation (1) must be made to the Minister in accordance with the provisions of section 83 of the Marine Living Resources Act or any regulations published under the Integrated Coastal Management Act.

4. General restrictions within the Marine Protected Area

- (1) The owner, skipper or operator of a vessel shall not enter or operate a vessel in the Marine Protected Area without a valid certificate of competence and a certificate of fitness issued in respect of such vessel, and such original certificates must be available for inspection at all times.
- (2) A vessel shall not enter the Marine Protected Area unless the marking approved for that vessel in accordance with the provisions of the Merchant Shipping Act, 1951 (Act No. 57 of 1951), is displayed on the vessel at all times while the vessel is inside the Marine Protected Area.
- (3) The owner, skipper or operator of a vessel shall not enter or operate a vessel in the Marine Protected Area unless such vessel and any other equipment or contents of such vessel, comply with the safety and other requirements specified in the Merchant Shipping Act, 1951 (Act No. 57 of 1951) for such vessel.

5. Use of vessels

- (1) No person may moor or anchor any vessel in the Marine Protected Area except—
 - (a) under conditions of *force majeure*; or
 - (b) for the use of a vessel by an employee of the Department or any other organ of state acting in the course and scope of their employment or mandate.

- (2) Despite sub-regulation (1), the Minister may on application and on such conditions as he or she may deem appropriate, authorise the anchoring or mooring of a vessel in the following circumstances:
 - (a) in an emergency; or
 - (b) where the Minister may deem it to be necessary in order to ensure the proper management of the Marine Protected Area.
- (3) The Minister may verbally authorise a vessel to moor or anchor within the Marine Protected Area as contemplated in sub-regulation (2), which verbal authorisation must be confirmed in writing within 3 working days.

6. Restriction of activities

No person may undertake any activity listed in section 48A(1) of the Act in the Marine Protected Area unless authorised to do so in terms of these regulations.

7. Control of activities in Restricted Zone

- (1) No person shall fish, or attempt to fish, in the ABRZ.
- (2) Fishing gear onboard a vessel or in the possession of any person that enters or is present in the ABRZ must be stowed in the following manner:
 - (a) in the case of line fishing from a vessel, all hooks, lures, and weights are disconnected from the line, all the line is reeled onto the reel or rolled up, and that rolled up line, hooks, lures, bait and weights on the vessel are placed away in the cabin, wheel house or console of the vessel;
 - (b) in the case of purse-seine fishing the boom shall be lowered as far as possible so that the vessel cannot be used for fishing but so that the skiff is accessible for use in emergency situations;
 - (c) in the case of a trawl fishing, all nets, trawl boards and weights shall be disconnected from their towing or hauling wires, ropes or rigid frames and either stowed below deck or securely lashed to some part of the superstructure of the fishing vessel;

- (d) in the case of rock lobster fishing all traps shall be on board and tied down; and all dinghies shall be on board and securely lashed to some part of the superstructure of the fishing vessel;
- (e) in the case of fishing with traps other than rock lobster traps, all traps shall be on board and tied down; and
- (f) in the case of longline fishing, all gear shall be covered and the cover secured.

8. Control of activities in Controlled Zone

- (1) No person shall fish, or attempt to fish, from a vessel in the ABCZ unless they are in possession of a valid fishing permit in the commercial linefishing or South Coast Rock Lobster sectors issued in terms of the Marine Living Resources Act and such permit authorises fishing within the ABCZ of the Marine Protected Area
- (2) Fishing gear onboard a vessel or in the possession of any person that enters or is present in the ABCZ and who is not authorised to fish in terms of sub-regulation (1), must be stowed in accordance with regulation 7(2).

9. Suspension, amendment and cancellation of permits

- (1) Subject to sub-regulations (2) and (3), a permit issued under these regulations may be suspended, cancelled or amended at any time.
- (2) A permit issued in terms of these regulations may be suspended, cancelled or amended if—
 - (a) the Minister is satisfied on the basis of information that was not considered when the permit was issued, that it is necessary or desirable to suspend, cancel or amend the permit to prevent deterioration or further deterioration of the environment within the Marine Protected Area;
 - (b) other similar permits held by other persons have also been reviewed and the suspension, cancellation or amendment does not unfairly discriminate against the holder in relation to other holders of similar permits;
 - (c) the permit-holder is in breach of a condition contained in the permit;

- (d) the permit-holder provided incorrect or false information in the application for the permit;
 - (e) the holder of a permit has been convicted of an offence in terms of the Act, the National Environmental Management Act or a specific environmental management act or any regulations issued thereunder; or
 - (f) the reason for the issuing of the permit no longer exists.
- (3) A permit issued in terms of these regulations may be amended—
- (a) if an error needs to be corrected or rectified;
 - (b) at the request of the applicant;
 - (c) for the proper management and implementation of these regulations; or
 - (d) where the conditions or circumstances have changed since the original permit was issued.

10. Offences and penalties

- (1) In addition to any offence in terms of section 89 of the Act, any person who contravenes or fails to comply with—
- (a) regulations 3(1), 4, 5(1), 6, 7, or 8;
 - (b) a condition mentioned in a permit issued in terms of these regulations; or
 - (c) a prohibition, instruction, rule or order imposed, given or issued under these regulations;

is guilty of an offence and liable in the case of a first conviction to a fine not exceeding R5 million or to imprisonment for a period not exceeding five years and in the case of a second or subsequent conviction to a fine not exceeding R10 million or imprisonment for a period not exceeding 10 years or in both instances to both a fine and such imprisonment.

11. Short title and commencement

These regulations are called the Agulhas Bank Complex Marine Protected Area Regulations and commence upon date of publication in the *Gazette*.

Annexure 1
(Zonation of Agulhas Bank Complex Marine Protected Area)

- (a) **Agulhas Bank Complex Restricted Zone (ABRZ)** is bounded by a series of straight lines sequentially joining the following four coordinates A) $35^{\circ} 0' S, 20^{\circ} 45' E$; (B) $35^{\circ} 0' S, 21^{\circ} 0' E$; (C) $36^{\circ} 5' S, 21^{\circ} 0' E$; and (D) $36^{\circ} 5' S, 20^{\circ} 45' E$.
- (b) **Agulhas Bank Complex Controlled Zone (ABCZ)** is bounded by a series of straight lines sequentially joining the following four coordinates (D) $36^{\circ} 5' S, 20^{\circ} 45' E$; (E) $36^{\circ} 5' S, 20^{\circ} 30' E$; (F) $35^{\circ} 20' S, 20^{\circ} 30' E$; and (G) $35^{\circ} 20' S, 20^{\circ} 45' E$.

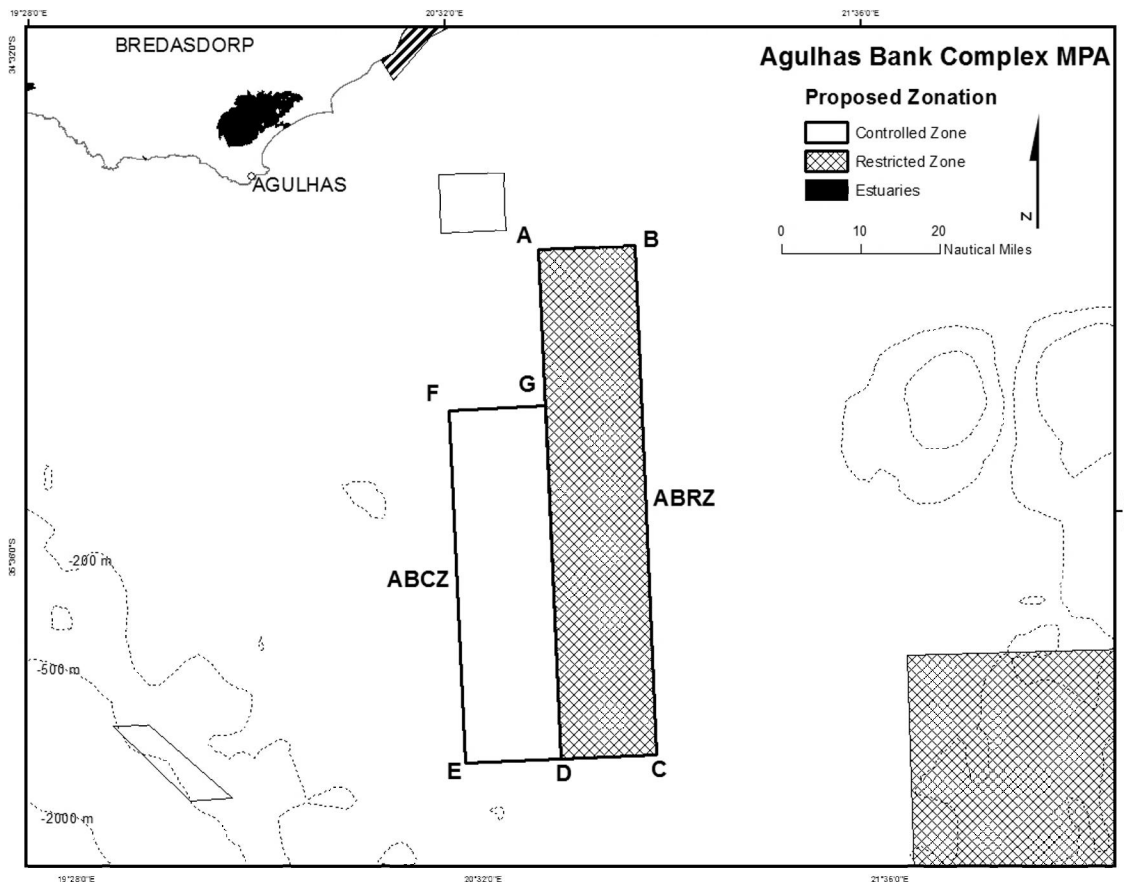


Fig. 1. The proposed zonation for the Agulhas Bank Complex Marine Protected Area.

Table 1: The co-ordinates of the proposed Agulhas Banks Complex Marine Protected Area

Corner name	Latitude	Longitude	Latitude South		Longitude East	
	Decimal Degrees	Decimal Degrees	Degrees	Minutes	Degrees	Minutes
A	-35.000	20.750	35	0.000	20	45.000
B	-35.000	21.000	35	0.000	21	0.000
C	-36.083	21.000	36	5.000	21	0.000
D	-36.083	20.750	36	5.000	20	45.000
E	-36.083	20.500	36	5.000	20	30.000
F	-35.333	20.500	35	20.000	20	30.000
G	-35.333	20.750	35	20.000	20	45.000

DEPARTMENT OF ENVIRONMENTAL AFFAIRS

NO. R. 103

03 FEBRUARY 2016

**NATIONAL ENVIRONMENTAL MANAGEMENT: PROTECTED AREAS ACT,
2003
(ACT NO. 57 OF 2003)**

**DRAFT REGULATIONS FOR THE MANAGEMENT OF THE UTHUKELA
BANKS MARINE PROTECTED AREA**

I, Bomo Edith Edna Molewa, Minister of Environmental Affairs, hereby publish for public comment, the draft Regulations for the Management of the UThukela Banks Marine Protected Area in terms of sections 48A(2) and 86(1)(a), (b), (c) and (d) of the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003), as set out in the Schedule hereto.

Any person who wishes to submit representations or comments in connection with the draft regulations are invited to do so within 90 days from the date of publication in the *Government Gazette* and by no later than 16h00 on the last day. Comments received after this time may not be considered. All representations and comments must be submitted in writing to the Deputy Director-General of the Department of Environmental Affairs, Branch Oceans and Coasts:

By post to: The Deputy Director-General
Environmental Affairs
Oceans and Coasts
Attention: Xola Mkefe
P.O Box 52126
V and A Waterfront, Cape Town
8002

By hand: East Pier Building 2, East Pier Road, V&A
Waterfront, Cape Town

By e-mail to: MPARegs@environment.gov.za
Enquiries: Xola Mkefe 021 819 2466



**BOMO EDITH EDNA MOLEWA
MINISTER OF ENVIRONMENTAL AFFAIRS
Schedule**

1. Definitions

In these Regulations, unless the context indicates otherwise, a word or expression that is defined in the Act bears the same meaning in these Regulations, and in addition—

“**Act**” means the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003);

“**certificate of competence**” means a certificate of competence as defined in the National Small Vessel Safety Regulations, 2007;

“**certificate of fitness**” means a certificate of fitness as defined in the National Small Vessel Safety Regulations, 2007;

“**Controlled Zone**” means an area within a marine protected area where fishing or any other activity in terms of section 48A(1) of the Act may take place if authorised in terms of these regulations as contemplated in terms of section 48A(2) of the Act;

“**Controlled-Pelagic Zone**” means a Controlled Zone within a marine protected area where pelagic fishing may occur as detailed in a fish list attached to these regulations as Annexure 2;

“**environment**” has the meaning assigned to it in section 1 of the National Environmental Management Act;

“**fish**” means any aquatic plant or animal whether piscine or not, and any mollusc, crustacean, coral, sponge, holothurian or other echinoderm, reptile and includes their eggs, larvae and all juvenile stages, but does not include sea birds, seals or any marine mammal;

“**fishing**” or to “**fish**” means—

- (a) searching for, catching, taking or harvesting fish or an attempt to any such activity;
- (b) engaging in any other activity which can reasonably be expected to result in the locating, catching, taking or harvesting of fish;
- (c) placing, searching for or recovering any fish aggregating device or associated gear, including radio beacons;
- (d) any operation in support or in preparation of any activity described in this definition; or
- (e) the use of an aircraft in relation to any activity described in this definition;

“**hovercraft**” means a craft that floats on a cushion of air and is capable of traversing water;

“Integrated Coastal Management Act” means the National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008);

“Marine Living Resources Act” means the Marine Living Resources Act, 1998 (Act No. 18 of 1998);

“Marine Protected Area” means the uThukela Banks Marine Protected Area as declared by the Minister in terms of section 22A of the Act;

“National Small Vessel Safety Regulations” means the Merchant Shipping (National Small Vessel Safety) Regulations, 2007, published in terms of section 356 of the Merchant Shipping Act, 1951 (Act No. 57 of 1951) and promulgated in Government Notice No. R. 705 of 8 August 2007;

“operate” in respect of a vessel, includes mooring in the water, drifting in the water and ascending or descending from its mooring, the shore, launch site, a buoy or a jetty;

“personal watercraft” means a vessel that uses an inboard motor powering a water jet pump as its primary source of propulsion, and is designed to be operated by a person or persons sitting, standing, or kneeling on rather than within the confines of a hull;

“Restricted Zone” means an area within the Marine Protected Area where no fishing may take place, but where any other activity in terms of section 48A(1) of the Act may take place if authorised in terms of these regulations as contemplated in terms of section 48A(2) of the Act.

“SCUBA Diving” means swimming below the surface of the water, with the aid of compressed or pumped air or other gasses;

“TICZ” means uThukela Banks Inshore Controlled Zone;

“TOCZ” means uThukela Banks Offshore Controlled Zone;

“TOCPZ” means uThukela Banks Offshore Controlled-Pelagic Zone;

“TIRZ” means uThukela Banks Inshore Restricted Zone;

“TORZ” means uThukela Banks Offshore Restricted Zone;

“vessel” means a waterborne craft of any kind whether a surface craft or submarine, and whether self-propelled or not, and includes any moored floating structure that can be used as a means of transport by water and includes a hovercraft and personal watercraft; and

“WGS 84” means the World Geodetic System of 1984 (G730), which is a geographic co-ordinate system.

2. Zonation within the Marine Protected Area

The Marine Protected Area consists of an inshore and offshore area. The inshore area consists of two Inshore Restricted zones and the remainder is an Inshore Controlled Zone. The offshore area consists of two offshore Controlled zones, two offshore Controlled-Pelagic zones and one offshore Restricted Zone, which are determined by using WGS 84 as detailed in Annexure 1 hereto as follows:

- (a) one (1) inshore Restricted Zone, indicated as TIRZ1.
- (b) one (1) inshore Restricted Zone, indicated as TIRZ2.
- (c) one (1) inshore Controlled Zone indicated as TICZ;
- (d) one (1) off shore Controlled Zone, indicated as TOCZ1;
- (e) one (1) off shore Controlled Zone, indicated as TOCZ2;
- (f) one (1) off shore Controlled-Pelagic Zone, indicated as TOCPZ1;
- (g) one (1) off shore Controlled-Pelagic Zone, indicated as TOCPZ2; and
- (h) one (1) off shore Restricted Zone, indicated as TORZ.

3. Scientific research permit

- (1) No person may undertake any scientific research within the Marine Protected Area, except on the authority of a scientific research permit issued by the Minister.
- (2) Application for a scientific research permit in terms of sub-regulation (1) must be made to the Minister in accordance with the provisions of section 83 of the Marine Living Resources Act or any regulations published under the Integrated Coastal Management Act.

4. General restrictions within the Marine Protected Area

- (1) The owner, skipper or operator of a vessel shall not enter or operate a vessel in the Marine Protected Area without a valid certificate of competence and a certificate of fitness issued in respect of such vessel, and such original certificates must be available for inspection at all times.
- (2) A vessel shall not enter the Marine Protected Area unless the marking approved for that vessel in accordance with the provisions of the Merchant Shipping Act, 1951 (Act No. 57 of 1951), is

displayed on the vessel at all times while the vessel is inside the Marine Protected Area.

- (3) The owner, skipper or operator of a vessel shall not enter or operate a vessel in the Marine Protected Area unless such vessel and any other equipment or contents of such vessel, comply with the safety and other requirements specified in the Merchant Shipping Act, 1951 (Act No. 57 of 1951) for such vessel.

5. Use of vessels

- (1) No person may moor or anchor any vessel in the Marine Protected Area except—
 - (a) under conditions of *force majeure*; or
 - (b) for the use of a vessel by an employee of the Department or any other organ of state acting in the course and scope of their employment or mandate.
- (2) Despite sub-regulation (1), the Minister may on application and on such conditions as he or she may deem appropriate, authorise the anchoring or mooring of a vessel in the following circumstances:
 - (a) in an emergency; or
 - (b) where the Minister may deem it to be necessary in order to ensure the proper management of the Marine Protected Area.
- (3) The Minister may verbally authorise a vessel to moor or anchor within the Marine Protected Area as contemplated in sub-regulation (2), which verbal authorisation must be confirmed in writing within 3 working days.
- (4) Any motorized vessel that enters or traverses a Restricted Zone within the Marine Protected Area may not stop or move at less than 5 knots at any time while in a Restricted Zone.
- (5) A motorized vessel, prior to entering or while traversing a Restricted Zone within the Marine Protected Area with fishing gear on board must have a Global Positioning System (GPS) Mapping Device with an active trail operational on the vessel, and such GPS data may not be deleted from this device for forty eight hours after passing through a Restricted Zone.
- (6) A vessel required by law to have a Vessel Monitoring System must, when entering or traversing the Marine Protected Area with fishing gear on board, ensure that the Vessel Monitoring System is active.

6. Restriction of activities

No person may undertake any activity listed in section 48A(1) of the Act in the Marine Protected Area unless authorised in terms of these regulations.

7. Control of activities in Restricted Zone

- (1) No person shall fish, or attempt to fish, in the TIRZ 1, TIRZ 2 or TORZ, including collecting or harvesting of invertebrates or intertidal organisms.
- (2) Fishing gear onboard a vessel or in possession of any person that enters or is present in the TIRZ 1, TIRZ 2 or TORZ must be stowed in the following manner:
 - (a) In the case of line-fishing—
 - (i) from a vessel, all hooks, lures, and weights are disconnected from the line, all the line is reeled onto the reel or rolled up, and that rolled up line, hooks, lures, bait and weights on the vessel are placed away in the cabin, wheel house or console of the vessel;
 - (ii) from the shore, all hooks, lures, and weights are disconnected from the line, all the line is reeled onto the reel or rolled up, and that rolled up line, hooks, lures, bait and weights are placed away in a bag or container.
 - (b) in the case of purse-seine fishing, the boom shall be lowered as far as possible so that the vessel cannot be used for fishing but so that the skiff is accessible for use in emergency situations;
 - (c) in the case of a trawl fishing, all nets, trawl boards and weights shall be disconnected from their towing or hauling wires, ropes or rigid frames and either stowed below deck or securely lashed to some part of the superstructure of the fishing vessel;
 - (d) in the case of rock lobster fishing, all traps shall be on board and tied down; and all dinghies shall be on board and securely lashed to some part of the superstructure of the fishing vessel;
 - (e) in the case of fishing with traps other than rock lobster traps, all traps shall be on board and tied down; and
 - (f) in the case of longline fishing, all gear shall be covered and the cover secured.

8. Control of activities in Controlled Zone

- (1) No person shall fish, or attempt to fish, from a vessel in the TICZ, TOCZ 1, and TOCZ 2 or TOCPZ 1 and TOCPZ 2 unless—
 - (a) they are in possession of a valid fishing permit in the line fish commercial fishing sector issued in terms of the Marine Living Resources Act and such permit authorises fishing within the TICZ, TOCZ 1, TOCZ 2, TOCPZ 1 or TOCPZ 2 of the Marine Protected Area; or
 - (b) they are in possession of a valid recreational fishing permit issued in terms of the Marine Living Resources Act.
- (2) Notwithstanding anything to the contrary, a person in possession of a recreational fishing permit as contemplated in sub-regulation (1)(b) may only fish for the species specified in Annexure 2 to these regulations, when fishing in the TOCPZ 1 and TOCPZ 2.
- (3) No person may undertake recreational fishing in the Marine Protected Area in the period between 17h00 in the evening and 06h00 of the following day.
- (4) Fishing gear onboard a vessel or in possession of any person that enters or is present in the TICZ, TOCZ 1, TOCZ 2, TOCPZ 1 and TOCPZ 2 and who is not authorised to fish in terms of sub-regulation (1), must be stowed in accordance with regulation 7(2).

9. SCUBA diving

- (1) No person may operate or attempt to operate a SCUBA diving business in the Marine Protected Area without a permit.
- (2) Application for a permit referred to in sub-regulation (1) must be made to the Minister and may be issued subject to conditions.
- (3) Any vessel that has deployed divers in the Marine Protected Area must display an alpha flag.

10. Suspension, amendment and cancellation of permits

- (1) Subject to sub-regulation (2) and (3), a permit issued under these regulations may be suspended, cancelled or amended at any time.

- (2) A permit issued in terms of these regulations may be suspended, cancelled or amended, if—
- (a) the Minister is satisfied on the basis of information that was not considered when the permit was issued, that it is necessary or desirable to suspend, cancel or amend the permit to prevent deterioration or further deterioration of the environment within the Marine Protected Area;
 - (b) other similar permits held by other persons have also been reviewed and the suspension, cancellation or amendment does not unfairly discriminate against the holder in relation to other holders of similar permits;
 - (c) the permit holder is in breach of a condition contained in the permit;
 - (d) the permit holder provided incorrect or false information in the application for the permit;
 - (e) the holder of a permit has been convicted of an offence in terms of the Act, the National Environmental Management Act or a specific environmental management act or any regulations issued thereunder; or
 - (f) the reason for the issuing of the permit no longer exists.
- (3) A permit issued in terms of these regulations may be amended—
- (a) if an error needs to be corrected or rectified;
 - (b) at the request of the applicant;
 - (c) for the proper management and implementation of these regulations; or
 - (d) where the conditions or circumstances have changed since the original permit was issued.

11. Offences and penalties

In addition to any offence in terms of section 89 of the Act, any person who contravenes or fails to comply with—

- (a) regulations 3(1), 4, 5(1), 5(4) to 5(6), 7, 8, 9(1) or 9(3);

- (b) a condition mentioned in a permit issued in terms of these regulations; or
- (c) a prohibition, instruction, rule or order imposed, given or issued under these regulations;

is guilty of an offence and liable in the case of a first conviction to a fine not exceeding R5 million or to imprisonment for a period not exceeding five years and in the case of a second or subsequent conviction to a fine not exceeding R10 million or imprisonment for a period not exceeding 10 years or in both instances to both a fine and such imprisonment.

12. Short title and commencement

These regulations are called the uThukela Banks Marine Protected Area Regulations and commence upon date of publication in the *Gazette*.

Annexure 1

INSHORE:

uThukela Banks Inshore Restricted Zone 1 (TIRZ1) comprises the inshore portion of the uThukela Banks Marine Protected Area and is defined as the section between the following two co-ordinates (I1) 29° 26.928' S, 31° 36.945' E and (I2) 29° 13.472' S, 31° 31.062' E running from the high water mark to the two meter depth contour.

uThukela Banks Inshore Restricted Zone 2 (TIRZ2) comprises the inshore portion of the uThukela Banks Marine Protected Area and is defined as the section between the following two co-ordinates (I3) 29° 24.08' S, 31° 19.7' E and (E) 29° 25.992' S, 31° 18' E running from the high water mark to the two meter depth contour.

uThukela Banks Inshore Controlled Zone (TICZ) comprises of the remainder of the inshore portion of the uThukela Banks Marine Protected Area between the two Inshore Restricted Zones.

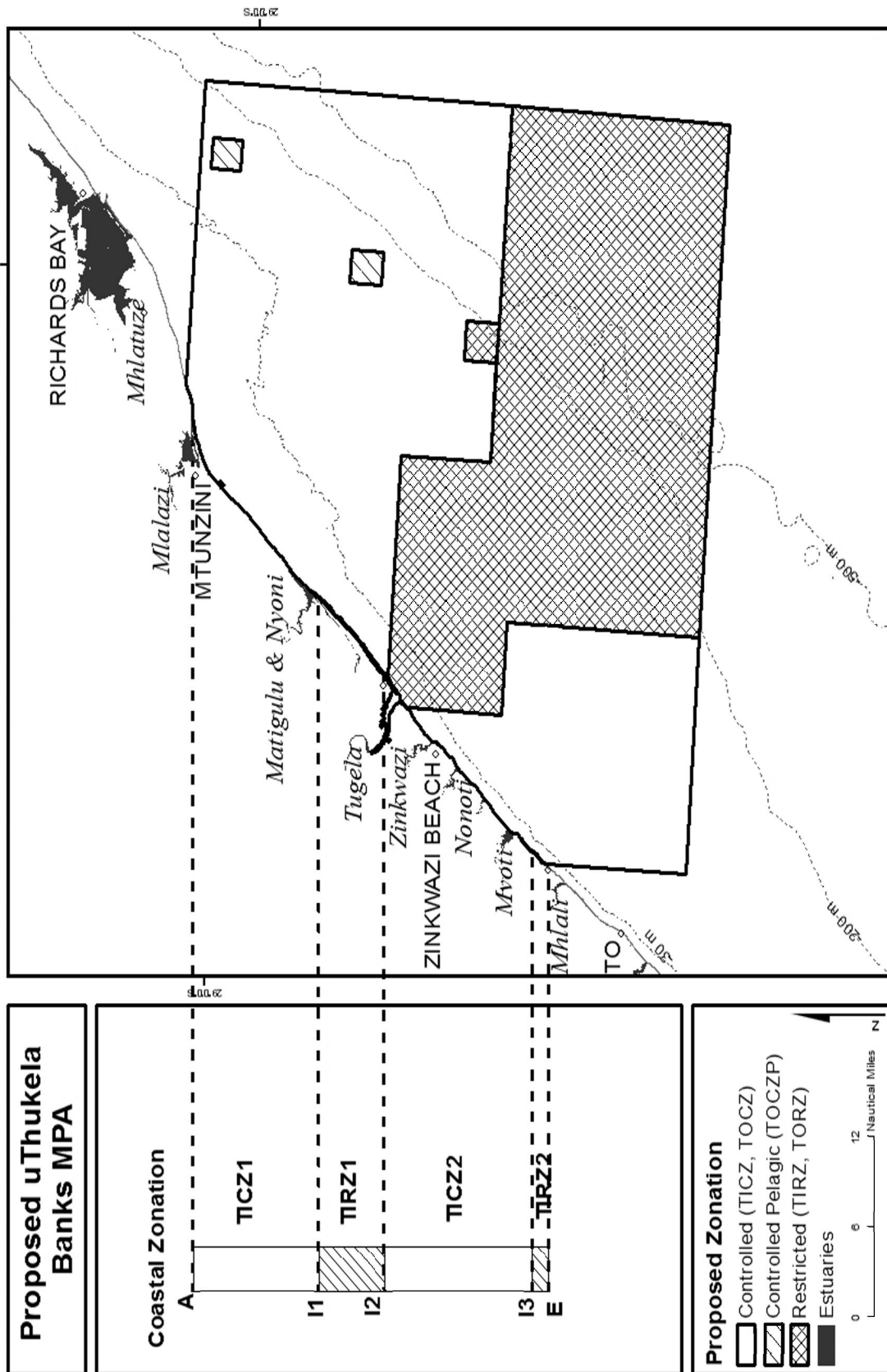


Figure 1: Proposed uThukela Banks MPA inshore zonation.

OFFSHORE:

uThukela Banks Offshore Restricted Zone (TORZ) comprises the offshore portion of the uThukela Banks Marine Protected Area and is defined as the area within straight lines sequentially joining the following thirteen co-ordinates, coordinates (F) 29° 13' S, 31° 31.162' E; (G) 29° 13' S, 31° 48' E; (H) 29° 20' S, 31° 48' E; (I) 29° 21' S, 31° 55.5' E; (J) 29° 17.5' S, 31° 55.5' E; (K) 29° 17.5' S, 31° 58.5' E; (L) 29° 21' S, 31° 58.5' E; (M) 29° 20' S, 32° 15' E; (C) 29° 37' S, 32° 15' S E; (N) 29° 37' S, 31° 36' S E; (O) 29° 22' S, 31° 36' S E; (P) 29° 22' S, 31° 29' S E; (Q) 29° 14.791' S, 31° 29' S E; linking the first co-ordinate to the last along the surfzone.

uThukela Banks offshore Controlled Zone 1 (TOCZ1) comprises the offshore portion of the uThukela Banks Marine Protected Area and is defined as the area within straight lines sequentially joining the following ten co-ordinates (A) 28° 56' S, 31° 51' E; (B) 28° 56' S, 32° 15' E; (M) 29° 20' S, 32° 15' E; (L) 29° 21' S, 31° 58.5' E; (K) 29° 17.5' S, 31° 58.5' E; (J) 29° 17.5' S, 31° 55.5' E; (I) 29° 21' S, 31° 55.5' E; (H) 29° 20' S, 31° 48' E; (G) 29° 13' S, 31° 48' E; (F) 29° 13' S, 31° 31.162' E; linking the first co-ordinate to the last along the surfzone.

UThukela Banks Offshore Controlled Zone 2 (TOCZ2) comprises the offshore portion of the uThukela Banks Marine Protected Area and is defined as the area within straight lines sequentially joining the following ten co-ordinates (Q) 29° 14.761' S, 31° 29' E; (P) 29° 22' S, 31° 29' E; (O) 29° 22' S, 31° 36' E; (N) 29° 37' S, 31° 36' E; (D) 29° 37' S, 31° 18' E; (E) 29° 25.992' S, 31° 18' E; linking the first co-ordinate to the last along the surfzone.

UThukela Banks Offshore Controlled-Pelagic Zone 1 (TOCPZ1) comprises the offshore portion of the uThukela Banks Marine Protected Area and is defined as the area within straight lines sequentially joining the following four co-ordinates (R) 28° 56.9' S, 32° 8.4' E; (S) 28° 56.9' S, 32° 10.7' E; (T) 28° 59.2' S, 32° 10.7' E; (U) 28° 59.2' S, 32° 8.4' E; linking the first co-ordinate to the last.

UThukela Banks Offshore Controlled-Pelagic Zone 2 (TOCPZ2) comprises the offshore portion of the uThukela Banks Marine Protected Area and is defined as the area within straight lines sequentially joining the following four co-ordinates (V) 29° 8.2' S, 32° 0.7' E; (W) 29° 58.2' S, 32° 3.2' E; (X) 29° 10.7' S, 32° 3.2' E; (Y) 29° 10.7' S, 32° 0.7' E; ; linking the first co-ordinate to the last.

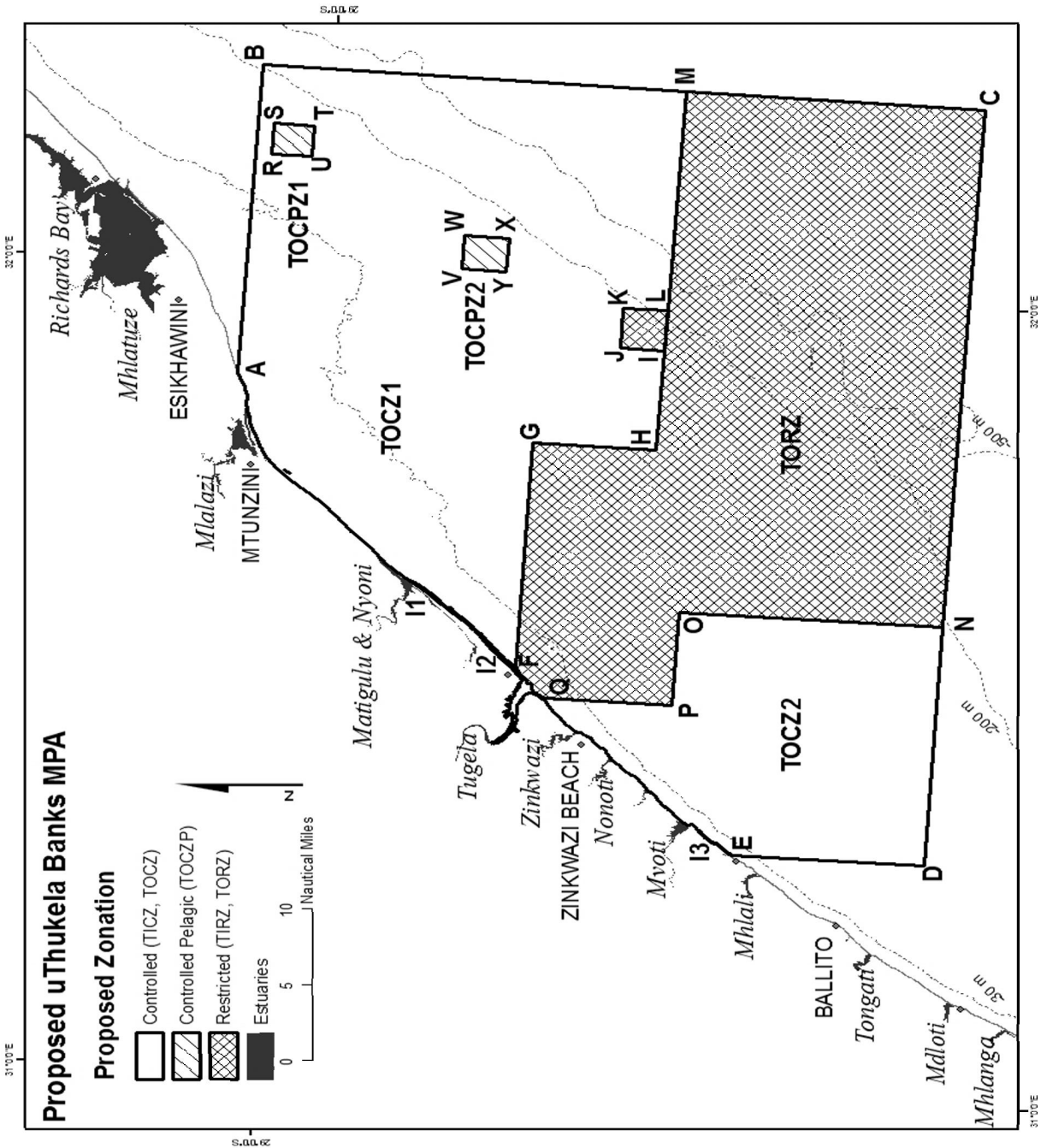


Figure 2: Proposed uThukela Banks MPA offshore proposed zonation

Table 1: Proposed uThukela Banks MPA table of co-ordinates.

INSHORE				
Corners	LATITUDE		LONGITUDE	
	South Deg.	South Min.	East Deg.	East Mins.
I1	29	26.928	31	36.945
I2	29	13.472	31	31.062
I3	29	24.080	31	19.700
OFFSHORE				
Corners	LATITUDE		LONGITUDE	
	South Deg.	South Min.	East Deg.	East Mins.
A	28	56.000	31	51.000
B	28	56.000	32	15.000
C	29	37.000	32	15.000
D	29	37.000	31	18.000
E	29	25.992	31	18.000
F	29	13.000	31	31.162
G	29	13.000	31	48.000
H	29	20.000	31	48.000
I	29	21.000	31	55.500
J	29	17.500	31	55.500
K	29	17.500	31	58.500
L	29	21.000	31	58.500
M	29	20.000	32	15.000
N	29	37.000	31	36.000
O	29	22.000	31	36.000
P	29	22.000	31	29.000
Q	29	14.791	31	29.000
R	28	56.900	32	8.400
S	28	56.900	32	10.700
T	28	59.200	32	10.700
U	28	59.200	32	8.400
V	29	8.200	32	0.700
W	29	58.200	32	3.200
X	29	10.700	32	3.200
Y	29	10.700	32	0.700

Annexure 2

Pelagic fish species list for the Controlled-Pelagic Zone

(Note: this is a list of game and bait fish species that MAY be caught in the Controlled-Pelagic Zone inside the ASCPZ of the Aliwal Shoal Marine Protected Area. Family names are given as all species in these families may be caught)

Pelagic gamefish species:

Carangidae – kingfish, garrick, yellowtail, queenfish, etc.

Coryphaenidae – Dorado/dolphin fish

Istiophoridae – Sailfish and marlin

Pomatomidae – Shad/elf

Rachycentridae – Prodigal son/Cobia

Scombridae – Tunas, mackerels, wahoo, etc.

Sphyraenidae – Barracudas

Xiphiidae – Swordfish/broadbill

Pelagic baitfish species (includes carangids and scombrids as indicated above):

Atherinidae – silversides

Belonidae – garfish

Chirocentridae – wolf herring/slimy

Clupeidae – red-eyes, sardines, etc.

Engraulidae – anchovies, glass-noses/bonies, etc.

Exocoetidae - flyingfishes

Hemiramphidae – halfbeaks

Scomberesocidae - sauries

DEPARTMENT OF ENVIRONMENTAL AFFAIRS

NO. R. 104

03 FEBRUARY 2016

**NATIONAL ENVIRONMENTAL MANAGEMENT: PROTECTED AREAS
ACT, 2003
(ACT NO. 57 OF 2003)**

**DRAFT REGULATIONS FOR THE MANAGEMENT OF THE ORANGE
SHELF EDGE MARINE PROTECTED AREA**

I, Bomo Edith Edna Molewa, Minister of Environmental Affairs, hereby publish for public comment, the draft Regulations for the Management of the Orange Shelf Edge Marine Protected Area in terms of sections 48A(2) and 86(1)(a), (b), (c) and (d) of the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003), as set out in the Schedule hereto.

Any person who wishes to submit representations or comments in connection with the draft regulations are invited to do so within 90 days from the date of publication in the *Government Gazette* and by no later than 16h00 on the last day. Comments received after this time may not be considered. All representations and comments must be submitted in writing to the Deputy Director-General of the Department of Environmental Affairs, Branch Oceans and Coasts:

By post to: **The Deputy Director-General
Environmental Affairs
Oceans and Coasts
Attention: Xola Mkefe
P.O Box 52126
V and A Waterfront, Cape Town
8002**

By hand: **East Pier Building 2, East Pier Road, V&A
Waterfront, Cape Town**

By e-mail to: **MPARegs@environment.gov.za**
Enquiries: **Xola Mkefe 021 819 2466**



**BOMO EDITH EDNA MOLEWA
MINISTER OF ENVIRONMENTAL AFFAIRS**

Schedule

1. Definitions

In these Regulations, unless the context indicates otherwise, a word or expression that is defined in the Act bears the same meaning in these Regulations, and in addition—

“**Act**” means the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003);

“**certificate of competence**” means a certificate of competence as defined in the National Small Vessel Safety Regulations, 2007;

“**certificate of fitness**” means a certificate of fitness as defined in the National Small Vessel Safety Regulations, 2007;

“**environment**” has the meaning assigned to it in section 1 of the National Environmental Management Act;

“**fish**” means any aquatic plant or animal whether piscine or not, and any mollusc, crustacean, coral, sponge, holothurian or other echinoderm, reptile and includes their eggs, larvae and all juvenile stages, but does not include sea birds, seals or any marine mammal;

“**fishing**” or to “**fish**” means—

- (a) searching for, catching, taking or harvesting fish or an attempt to any such activity;
- (b) engaging in any other activity which can reasonably be expected to result in the locating, catching, taking or harvesting of fish;
- (c) placing, searching for or recovering any fish aggregating device or associated gear, including radio beacons;
- (d) any operation in support or in preparation of any activity described in this definition; or
- (e) the use of an aircraft in relation to any activity described in this definition;

“**hovercraft**” means a craft that floats on a cushion of air and is capable of traversing water;

“**Integrated Coastal Management Act**” means the National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008);

“**Marine Living Resources Act**” means the Marine Living Resources Act, 1998 (Act No. 18 of 1998);

“Marine Protected Area” means the Orange Shelf Edge Marine Protected Area as declared by the Minister in terms of section 22A of the Act;

“National Small Vessel Safety Regulations” means the Merchant Shipping (National Small Vessel Safety) Regulations, 2007, published in terms of section 356 of the Merchant Shipping Act, 1951 (Act No. 57 of 1951) and promulgated in Government Notice No. R. 705 of 8 August 2007;

“operate” in respect of a vessel, includes mooring in the water, drifting in the water and ascending or descending from its mooring, the shore, launch site, a buoy or a jetty;

“personal watercraft” means a vessel that uses an inboard motor powering a water jet pump as its primary source of propulsion, and is designed to be operated by a person or persons sitting, standing, or kneeling on rather than within the confines of a hull;

“Sanctuary Area” means an area within a marine protected area where no fishing or any other activity contemplated in terms of section 48A(1) of the Act may take place, except for scientific research purposes as provided for in these regulations;

“vessel” means a waterborne craft of any kind whether a surface craft or submarine, and whether self-propelled or not, and includes any moored floating structure that can be used as a means of transport by water and includes a personal watercraft and hovercraft; and

“WGS 84” means the World Geodetic System of 1984 (G730), which is a geographic co-ordinate system.

2. Zonation within the Marine Protected Area

The entire Orange Shelf Edge Marine Protected Area is zoned as a Sanctuary Area which is determined by using WGS 84 as detailed in Annexure 1 hereto.

3. Scientific research permit

- (1) No person may undertake any scientific research within the Marine Protected Area, except on the authority of a scientific research permit issued by the Minister.
- (2) Application for a scientific research permit in terms of sub-regulation (1) must be made to the Minister in accordance with the provisions of section 83 of the Marine Living Resources Act or any regulations published under the Integrated Coastal Management Act.

4. General restrictions within the Marine Protected Area

- (1) The owner, skipper or operator of a vessel shall not enter or operate a vessel in the Marine Protected Area without a valid certificate of competence and a certificate of fitness issued in respect of such vessel, and such original certificates must be available for inspection at all times.
- (2) A vessel shall not enter the Marine Protected Area unless the marking approved for that vessel in accordance with the provisions of the Merchant Shipping Act, 1951 (Act No. 57 of 1951), is displayed on the vessel at all times while the vessel is inside the Marine Protected Area.
- (3) The owner, skipper or operator of a vessel shall not enter or operate a vessel in the Marine Protected Area unless such vessel and any other equipment or contents of such vessel, comply with the safety and other requirements specified in the Merchant Shipping Act, 1951 (Act No. 57 of 1951) for such vessel.

5. Use of vessels

- (1) No person may moor or anchor any vessel in the Marine Protected Area except—
 - (a) under conditions of *force majeure*; or
 - (b) for the use of a vessel by an employee of the Department or any other organ of state acting in the course and scope of their employment or mandate.
- (2) Despite sub-regulation (1), the Minister may, on application and on such conditions as he or she may deem appropriate, authorise the anchoring or mooring of a vessel in the following circumstances:
 - (a) in an emergency; or
 - (b) where the Minister may deem it to be necessary in order to ensure the proper management of the Marine Protected Area.
- (3) The Minister may verbally authorise a vessel to moor or anchor within the Marine Protected Area as contemplated in sub-regulation (2), which verbal authorisation must be confirmed in writing within 3 working days.

6. Restriction of activities

No person may undertake any activity listed in section 48A(1) of the Act, in the Marine Protected Area, unless authorised in terms of these regulations.

7. Control of activities in Marine Protected Area

- (1) No person shall fish, or attempt to fish, in the Marine Protected Area.
- (2) Fishing gear onboard a vessel or in possession of any person that enters or is present in the Marine Protected Area must be stowed in the following manner—
 - (a) In the case of line fishing from a vessel, all hooks, lures, and weights are disconnected from the line, all the line is reeled onto the reel or rolled up, and that rolled up line, hooks, lures, bait and weights on the vessel are placed away in the cabin, wheel house or console of the vessel;
 - (b) in the case of purse-seine fishing, the boom shall be lowered as far as possible so that the vessel cannot be used for fishing but so that the skiff is accessible for use in emergency situations;
 - (c) in the case of a trawl fishing, all nets, trawl boards and weights shall be disconnected from their towing or hauling wires, ropes or rigid frames and either stowed below deck or securely lashed to some part of the superstructure of the fishing vessel;
 - (d) in the case of rock lobster fishing, all traps shall be on board and tied down; and all dinghies shall be on board and securely lashed to some part of the superstructure of the fishing vessel;
 - (e) in the case of fishing with traps, other than rock lobster traps, all traps shall be on board and tied down; and
 - (f) in the case of longline fishing, all gear shall be covered and the cover secured.

8. Suspension, amendment and cancellation of permits

- (1) Subject to sub-regulations (2) and (3), a permit issued under these regulations may be suspended, cancelled or amended at any time.

- (2) A permit issued in terms of these regulations may be suspended, cancelled or amended, if—
- (a) The Minister is satisfied on the basis of information that was not considered when the permit was issued, that it is necessary or desirable to suspend, cancel or amend the permit to prevent deterioration or further deterioration of the environment within the Marine Protected Area;
 - (b) other similar permits held by other persons have also been reviewed and the suspension, cancellation or amendment does not unfairly discriminate against the holder in relation to other holders of similar permits;
 - (c) the permit holder is in breach of a condition contained in the permit;
 - (d) the permit holder provided incorrect or false information in the application for the permit;
 - (e) the holder of a permit has been convicted of an offence in terms of the Act, the National Environmental Management Act or a specific environmental management act or any regulations issued thereunder; or
 - (f) the reason for the issuing of the permit no longer exists.
- (2) A permit issued in terms of these regulations may be amended—
- (a) if an error needs to be corrected or rectified;
 - (b) at the request of the applicant;
 - (c) for the proper management and implementation of these regulations; or
 - (d) where the conditions or circumstances have changed since the original permit was issued.

9. Offences and penalties

In addition to any offence in terms of section 89 of the Act, any person who contravenes or fails to comply with—

- (a) regulations 3(1), 4, 5(1), 6 or 7;
- (b) a condition mentioned in a permit issued in terms of these regulations; or
- (c) a prohibition, instruction, rule or order imposed, given or issued under these regulations;

is guilty of an offence and liable in the case of a first conviction to a fine not exceeding R5 million or to imprisonment for a period not exceeding five years and in the case of a second or subsequent conviction to a fine not exceeding R10 million or imprisonment for a period not exceeding 10 years or in both instances to both a fine and such imprisonment.

10. Short title and commencement

These regulations are called the Orange Shelf Edge Marine Protected Area Regulations and commence upon date of publication in the *Gazette*.

Annexure 1 (Zonation for the Orange Shelf Edge Marine Protected Area)

The entire Orange Shelf Edge Marine Protected Area is zoned as a Sanctuary Area. The Orange Shelf Edge Marine Protected Area is comprised of three separate Sanctuary Areas, indicated as ORS 1, ORS 2 and ORS 3 in the figure below. ORS 1 is bounded by a series of straight lines sequentially joining the following three coordinates (A) 29° 43.56' S, 14° 51.9'E; (B) 29° 49.98' S, 14° 51.9' E; and (C) 29° 49.98' S, 14° 40.98' E. ORS 2 is bounded by a series of straight lines sequentially joining the following four coordinates (A) 29° 40' S, 15° 0' E; (B) 29° 40' S, 15° 10' E; (C) 30° 10' S, 15° 10' E; and (D) 30° 10' S, 15° 0'E. ORS 3 is bounded by a series of straight lines sequentially joining the following four coordinates (A) 30° 0.06' S, 14° 24.18' E; (B) 30° 0.06' S, 14° 50.1' E; (C) 30° 10.026' S, 14° 50.1' E; and (D) 30° 10.02' S, 14° 8.22' E. The Sanctuary Zones include the sea bed, water column and subsoil within these boundaries.

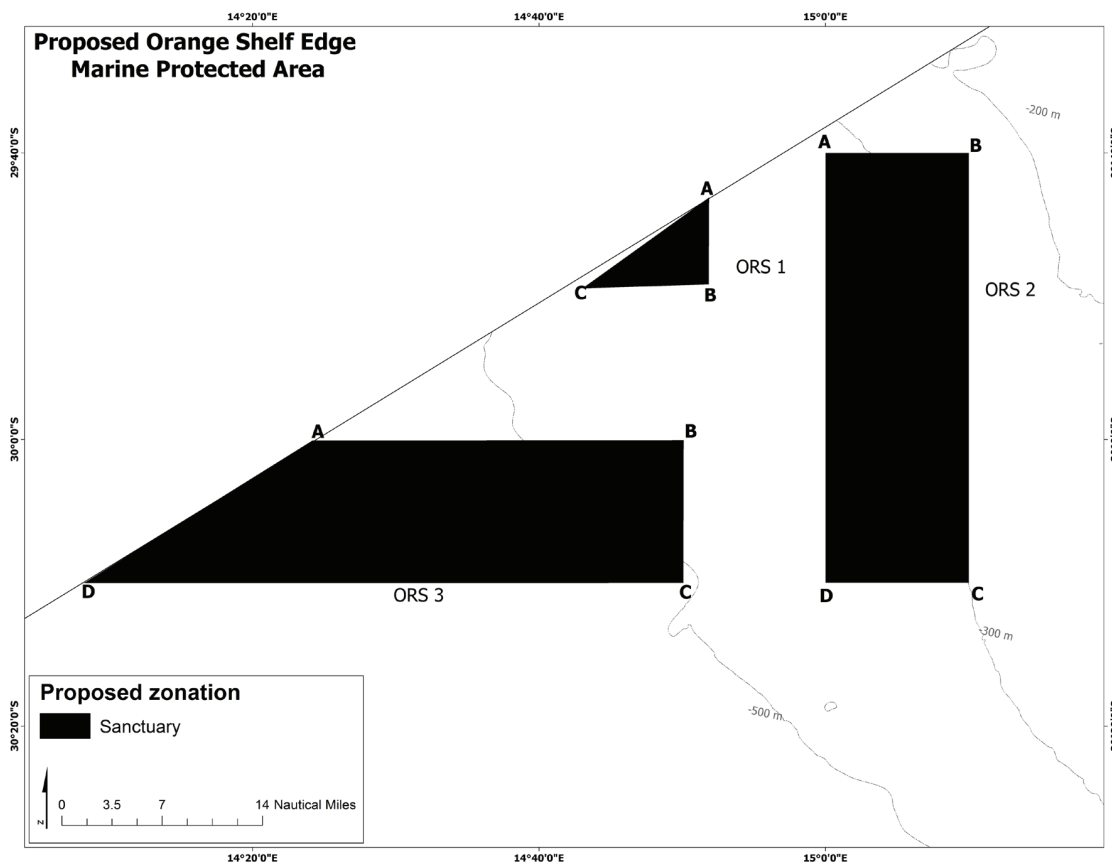


Fig 1. The proposed zonation for the Orange Shelf Edge Marine Protected Area.

DEPARTMENT OF ENVIRONMENTAL AFFAIRS

NO. R. 105

03 FEBRUARY 2016

**NATIONAL ENVIRONMENTAL MANAGEMENT: PROTECTED AREAS ACT,
2003
(ACT NO. 57 OF 2003)**

**DRAFT REGULATIONS FOR THE MANAGEMENT OF THE BENGUELA
BANK MARINE PROTECTED AREA**

I, Bomo Edith Edna Molewa, Minister of Environmental Affairs, hereby publish for public comment, the draft Regulations for the Management of the Benguela Bank Marine Protected Area in terms of sections 48A(2) and 86(1)(a), (b), (c) and (d) of the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003), as set out in the Schedule hereto.

Any person who wishes to submit representations or comments in connection with the draft regulations are invited to do so within 90 days from the date of publication in the *Government Gazette* and by no later than 16h00 on the last day. Comments received after this time may not be considered. All representations and comments must be submitted in writing to the Deputy Director-General of the Department of Environmental Affairs, Branch Oceans and Coasts:

By post to: **The Deputy Director-General
Environmental Affairs
Oceans and Coasts
Attention: Xola Mkefe
P.O Box 52126
V and A Waterfront, Cape Town
8002**

By hand: **East Pier Building 2, East Pier Road, V&A
Waterfront, Cape Town**

By e-mail to: **MPARegs@environment.gov.za**
Enquiries: **Xola Mkefe 021 819 2466**



**BOMO EDITH EDNA MOLEWA
MINISTER OF ENVIRONMENTAL AFFAIRS**

Schedule

1. Definitions

In these Regulations, unless the context indicates otherwise, a word or expression that is defined in the Act bears the same meaning in these Regulations, and in addition-

“Act” means the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003);

“certificate of competence” means a certificate of competence as defined in the National Small Vessel Safety Regulations, 2007;

“certificate of fitness” means a certificate of fitness as defined in the National Small Vessel Safety Regulations, 2007;

“Controlled Zone” means an area within a marine protected area where fishing or any other activity in terms of section 48A(1) of the Act may take place if authorised in terms of these regulations as contemplated in terms of section 48A(2) of the Act;

“environment” has the meaning assigned to it in section 1 of the National Environmental Management Act;

“fish” means any aquatic plant or animal whether piscine or not, and any mollusc, crustacean, coral, sponge, holothurian or other echinoderm, reptile and includes their eggs, larvae and all juvenile stages, but does not include sea birds, seals or any marine mammal;

“fishing” or to **“fish”** means—

- (a) searching for, catching, taking or harvesting fish or an attempt to any such activity;
- (b) engaging in any other activity which can reasonably be expected to result in the locating, catching, taking or harvesting of fish;
- (c) placing, searching for or recovering any fish aggregating device or associated gear, including radio beacons;
- (d) any operation in support or in preparation of any activity described in this definition; or
- (e) the use of an aircraft in relation to any activity described in this definition;

“**hovercraft**” means a craft that floats on a cushion of air and is capable of traversing water;

“**Integrated Coastal Management Act**” means the National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008);

“**Marine Living Resources Act**” means the Marine Living Resources Act, 1998 (Act No. 18 of 1998);

“**Marine Protected Area**” means the Benguela Bank Marine Protected Area as declared by the Minister in terms of section 22A of the Act;

“**National Small Vessel Safety Regulations**” means the Merchant Shipping (National Small Vessel Safety) Regulations, 2007, published in terms of section 356 of the Merchant Shipping Act, 1951 (Act No. 57 of 1951) and promulgated in Government Notice No. R. 705 of 8 August 2007;

“**operate**” in respect of a vessel, includes mooring in the water, drifting in the water and ascending or descending from its mooring, the shore, launch site, a buoy or a jetty;

“**personal watercraft**” means a vessel that uses an inboard motor powering a water jet pump as its primary source of propulsion, and is designed to be operated by a person or persons sitting, standing, or kneeling on rather than within the confines of a hull;

“**vessel**” means a waterborne craft of any kind whether a surface craft or submarine, and whether self-propelled or not, and includes any moored floating structure that can be used as a means of transport by water and includes a personal watercraft and hovercraft; and

“**WGS 84**” means the World Geodetic System of 1984 (G730), which is a geographic co-ordinate system.

2. Zonation within the Marine Protected Area

The entire Benguela Bank Marine Protected Area is zoned as a single Controlled Zone which is determined by using WGS 84 as detailed in Annexure 1 hereto.

3. Scientific research permit

- (1) No person may undertake any scientific research within the Marine Protected Area, except on the authority of a scientific research permit issued by the Minister.

- (2) Application for a scientific research permit in terms of sub-regulation (1) must be made to the Minister in accordance with the provisions of section 83 of the Marine Living Resources Act or any regulations published under the Integrated Coastal Management Act.

4. General restrictions within the Marine Protected Area

- (1) The owner, skipper or operator of a vessel shall not enter or operate a vessel in the Marine Protected Area without a valid certificate of competence and a certificate of fitness issued in respect of such vessel, and such original certificates must be available for inspection at all times.
- (2) A vessel shall not enter the Marine Protected Area unless the marking approved for that vessel in accordance with the provisions of the Merchant Shipping Act, 1951 (Act No. 57 of 1951), is displayed on the vessel at all times while the vessel is inside the Marine Protected Area.
- (3) The owner, skipper or operator of a vessel shall not enter or operate a vessel in the Marine Protected Area unless such vessel and any other equipment or contents of such vessel, comply with the safety and other requirements specified in the Merchant Shipping Act, 1951 (Act No. 57 of 1951) for such vessel.

5. Use of vessels

- (1) No person may moor or anchor any vessel in the Marine Protected Area except—
 - (a) under conditions of *force majeure*; or
 - (b) for the use of a vessel by an employee of the Department or any other organ of state acting in the course and scope of their employment or mandate.
- (2) Despite sub-regulation (1), the Minister may on application and on such conditions as he or she may deem appropriate, authorise the anchoring or mooring of a vessel in the following circumstances—
 - (a) in an emergency; or
 - (b) where the Minister may deem it to be necessary in order to ensure the proper management of the Marine Protected Area.

- (3) The Minister may verbally authorise a vessel to moor or anchor within the Marine Protected Area as contemplated in sub-regulation (2), which verbal authorisation must be confirmed in writing within 3 working days.

6. Restriction of activities

No person may undertake any activity listed in section 48A(1) of the Act in the Marine Protected Area unless authorised to do so in terms of these regulations.

7. Control of activities in Marine Protected Area

- (1) No person shall fish, or attempt to fish, from a vessel in the Marine Protected Area unless:
 - (a) they are in possession of a valid fishing permit in the large pelagic or small pelagic commercial fishing sectors issued in terms of the Marine Living Resources Act and such permit authorises fishing within the Marine Protected Area; or
 - (b) they are in possession of a valid recreational fishing permit issued in terms of the Marine Living Resources Act.
- (2) No person shall undertake recreational fishing in the Marine Protected Area in the period between 17h00 in the evening and 06h00 of the following day.
- (3) Fishing gear onboard a vessel or in the possession of any person that enters or is present in the Marine Protected Area and who is not authorised to fish in terms of sub-regulation (1), must be stowed in the following manner:
 - (a) In the case of line fishing from a vessel, all hooks, lures, and weights are disconnected from the line, all the line is reeled onto the reel or rolled up, and that rolled up line, hooks, lures, bait and weights on the vessel are placed away in the cabin, wheel house or console of the vessel;
 - (b) in the case of purse-seine fishing the boom shall be lowered as far as possible so that the vessel cannot be used for fishing but so that the skiff is accessible for use in emergency situations;
 - (c) in the case of a trawl fishing, all nets, trawl boards and weights shall be disconnected from their towing or hauling wires, ropes

- or rigid frames and either stowed below deck or securely lashed to some part of the superstructure of the fishing vessel;
- (d) in the case of rock lobster fishing, all traps shall be on board and tied down, and all dinghies shall be on board and securely lashed to some part of the superstructure of the fishing vessel;
 - (e) in the case of fishing with traps other than rock lobster traps, all traps shall be on board and tied down; and
 - (f) in the case of longline fishing, all gear shall be covered and the cover secured.

8. Suspension, amendment and cancellation of permits

- (1) Subject to sub-regulation (2) and (3), a permit issued under these regulations may be suspended, cancelled or amended at any time.
- (2) A permit issued in terms of these regulations may be suspended, cancelled or amended, if—
 - (a) the Minister is satisfied on the basis of information that was not considered when the permit was issued, that it is necessary or desirable to suspend, cancel or amend the permit to prevent deterioration or further deterioration of the environment within the Marine Protected Area;
 - (b) other similar permits held by other persons have also been reviewed and the suspension, cancellation or amendment does not unfairly discriminate against the holder in relation to other holders of similar permits;
 - (c) the permit holder is in breach of a condition contained in the permit;
 - (d) the permit holder provided incorrect or false information in the application for the permit;
 - (e) the holder of a permit has been convicted of an offence in terms of the Act, the National Environmental Management Act or a specific environmental management act or any regulations issued thereunder; or
 - (f) the reason for the issuing of the permit no longer exists.
- (3) A permit issued in terms of these regulations may be amended—

- (a) if an error needs to be corrected or rectified;
- (b) at the request of the applicant;
- (c) the proper management and implementation of these regulations; or
- (d) the conditions or circumstances have changed since the original permit was issued.

9. Offences and penalties

In addition to any offence in terms of section 89 of the Act, any person who contravenes or fails to comply with—

- (a) regulations 3(1), 4, 5(1), 6 or 7;
- (b) a condition mentioned in a permit issued in terms of these regulations; or
- (c) a prohibition, instruction, rule or order imposed, given or issued under these regulations;

is guilty of an offence and liable in the case of a first conviction to a fine not exceeding R5 million or to imprisonment for a period not exceeding five years and in the case of a second or subsequent conviction to a fine not exceeding R10 million or imprisonment for a period not exceeding 10 years or in both instances to both a fine and such imprisonment.

10. Short title and commencement

These regulations are called the Benguela Bank Marine Protected Area Regulations and commence upon date of publication in the *Gazette*.

Annexure 1 (Zonation of Benguela Bank Marine Protected Area)

The Benguela Bank Marine Protected Area is zoned as a single Controlled Zone. The Benguela Bank Marine Protected Area is bounded by a series of straight lines sequentially joining the following four coordinates (A) 31° 10' S, 16° 15' E; (B) 31° 10' S, 16° 25' E; (C) 32° 0' S, 16° 45' E; and (D) 32° 0' S, 16° 35' E. The area includes the sea bed, water column and subsoil within these boundaries.

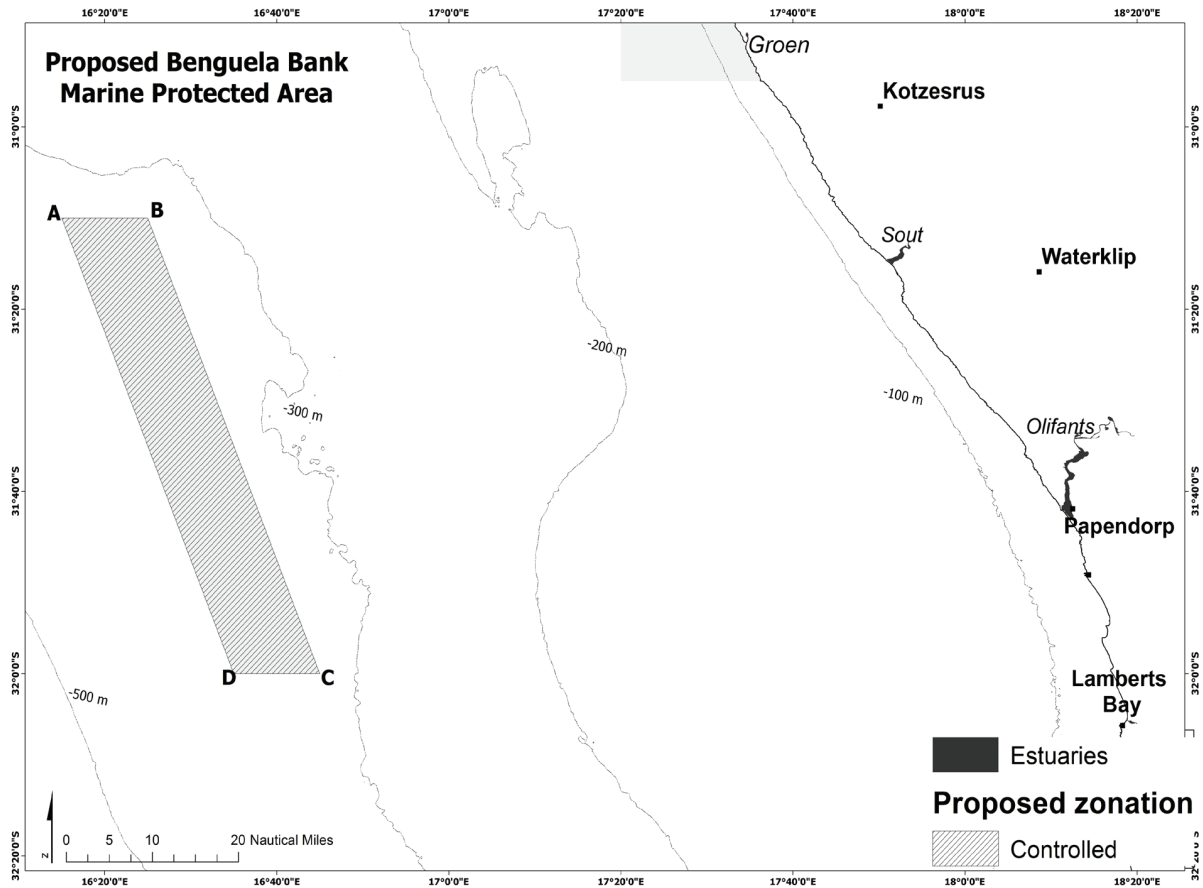


Fig. 1. The proposed zonation for the Benguela Bank Marine Protected Area

DEPARTMENT OF ENVIRONMENTAL AFFAIRS

NO. R. 106

03 FEBRUARY 2016

**NATIONAL ENVIRONMENTAL MANAGEMENT: PROTECTED AREAS ACT, 2003
(ACT NO. 57 OF 2003)****DRAFT NOTICE DECLARING THE AGULHAS BANK COMPLEX MARINE
PROTECTED AREA UNDER SECTION 22A OF THE NATIONAL
ENVIRONMENTAL MANAGEMENT: PROTECTED AREAS ACT, 2003 (ACT NO.
57 OF 2003)**

I, Bomo Edith Edna Molewa, Minister of Environmental Affairs, hereby publish for public comment, the intention to declare under section 22A of the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003), the Agulhas Bank Complex Marine Protected Area as set out in the Schedule hereto.

Any person who wishes to submit representations or comments in connection with the proposed declaration is invited to do so within 90 days from the date of publication in the *Government Gazette* and by no later than 16h00 on the last day. Comments received after this time may not be considered. All representations and comments must be submitted in writing to the Deputy Director-General of the Department of Environmental Affairs, Branch Oceans and Coasts:

By post to: The Deputy Director-General
Environmental Affairs
Oceans and Coasts
Attention: Xola Mkefe
P.O Box 52126
V and A Waterfront, Cape Town
8002

By hand: East Pier Building 2, East Pier Road, V&A
Waterfront, Cape Town

By e-mail to: MPARegs@environment.gov.za
Enquiries: Xola Mkefe 021 819 2466



**BOMO EDITH EDNA MOLEWA
MINISTER OF ENVIRONMENTAL AFFAIRS**

SCHEDULE

All geographic co-ordinates are determined in accordance with the *WGS 84* datum, and all bearings are true bearings as detailed in Annexure 1 hereto.

Boundaries of the Marine Protected Area

The Agulhas Bank Complex Marine Protected Area in the Western Cape is an offshore marine protected area in the 50m to 150m depth range lying approximately 39 nautical miles southeast of Cape Agulhas. The Agulhas Bank Complex Marine Protected Area is bounded by a series of straight lines sequentially joining the following seven coordinates: (A) 35° 0' S, 20° 45' E; (B) 35° 0' S, 21° 0' E; (C) 36° 5' S, 21° 0' E; (D) 36° 5' S, 20° 45' E; (E) 36° 5' S, 20° 30' E; (F) 35° 20' S, 20° 30' E; and (G) 35° 20' S, 20° 45' E, as detailed in Annexure 1. The area includes the sea bed, water column and subsoil within these boundaries.

Purpose

The purpose for declaring this marine protected area is:

- (a) To contribute to a national and global representative system of marine protected areas by providing protection to the offshore benthic and pelagic shelf ecosystems of the Agulhas Bank;
- (b) to conserve and protect rocky, gravel, sandy and pelagic habitats of the Agulhas Bank, which includes the Alphen Banks, parts of the 45 Mile Bank and parts of the 72 Mile Bank;
- (c) to conserve and protect threatened ecosystems and fish species;
- (d) to conserve and protect the biodiversity and ecological processes associated with the ecosystems in this area, which includes the nursery function of the Agulhas Bank;
- (e) to support the recovery of linefish by protecting important nursery, spawning, foraging, aggregation and refuge areas for overexploited linefish;
- (f) to facilitate species management and sustainable use of linefish and south coast rock lobster to enhance species abundance in adjacent areas; and
- (g) to protect and provide an appropriate environment for research and monitoring particularly research on ecosystem impacts and recovery, habitat requirements of south coast rock lobster and recovery of linefish.

Annexure 1:

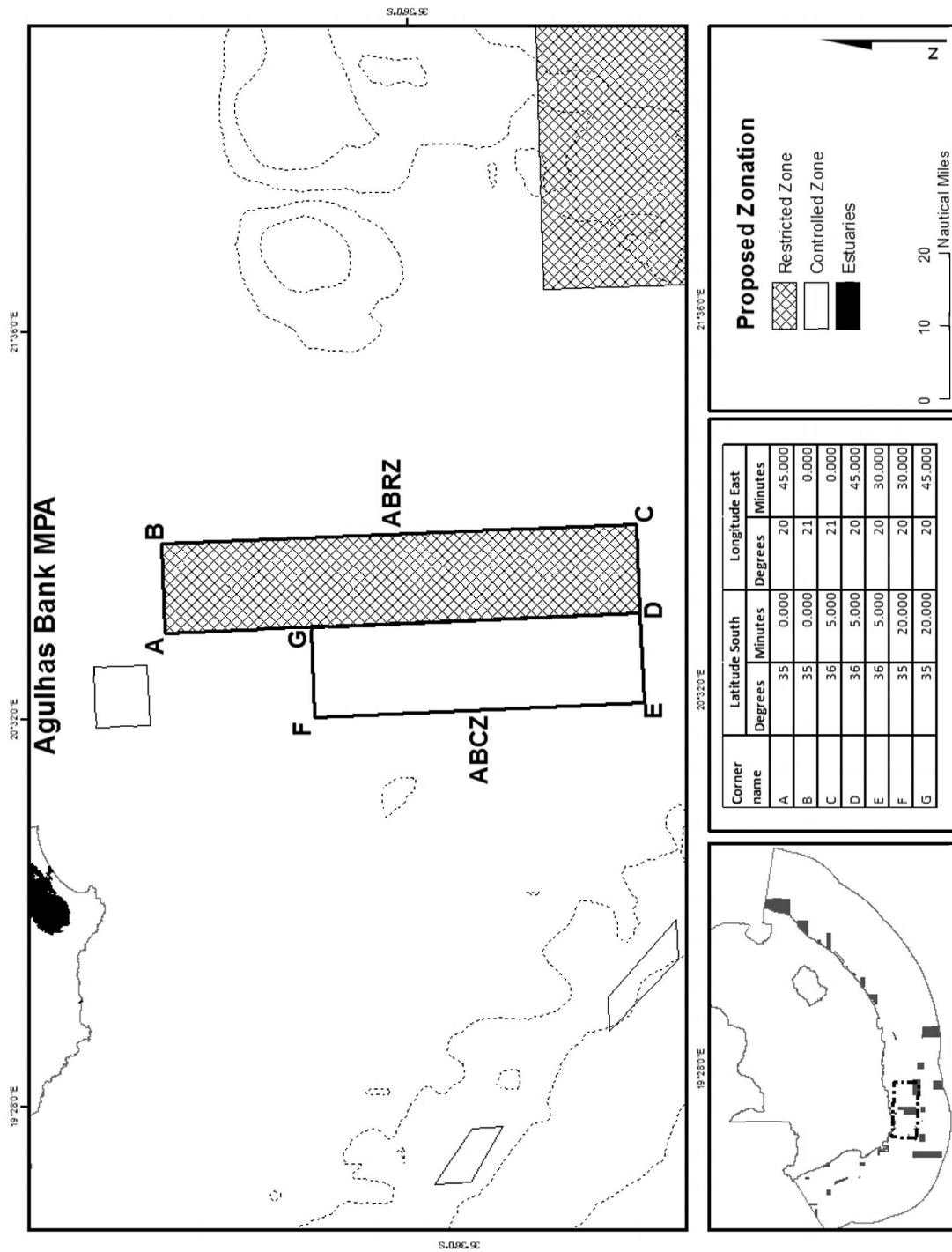


Figure 1. The proposed boundaries for the Agulhas Bank Complex Marine Protected Area

Table1. The exact geographic coordinates (WGS 84) of points A-G in Fig 1.

Corner name	X (East) Decimal Degrees	Y (South) Decimal Degrees	X (East) Degree s	X (East) Minutes	Y (South) Degree s	Y (South) Minutes
A	20.7500	-35.0000	20	45.000	35	0.000
B	21.0000	-35.0000	21	0.000	35	0.000
C	21.0000	-36.0833	21	0.000	36	5.000
D	20.7500	-36.0833	20	45.000	36	5.000
E	20.5000	-36.0833	20	30.000	36	5.000
F	20.5000	-35.3333	20	30.000	35	20.000
G	20.7500	-35.3333	20	45.000	35	20.000

DEPARTMENT OF ENVIRONMENTAL AFFAIRS

NO. R. 107

03 FEBRUARY 2016

**NATIONAL ENVIRONMENTAL MANAGEMENT: PROTECTED AREAS ACT, 2003
(ACT NO. 57 OF 2003)****DRAFT NOTICE DECLARING THE ALI WAL SHOAL MARINE PROTECTED
AREA UNDER SECTION 22A OF THE NATIONAL ENVIRONMENTAL
MANAGEMENT: PROTECTED AREAS ACT, 2003 (ACT NO. 57 OF 2003)**

I, Bomo Edith Edna Molewa, Minister of Environmental Affairs, hereby publish for public comment the intention in terms of section 22B of the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003), to withdraw the existing Alliwai Shoal Marine Protected Area declared in *Government Gazette* 26433, Notice No. 697 of 4 June 2004, and the intention to declare under section 22A of the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003), the Aliwal Shoal Marine Protected Area as set out in the Schedule hereto.

Any person who wishes to submit representations or comments in connection with the proposed declaration is invited to do so within 90 days from the date of publication in the *Government Gazette* and by no later than 16h00 on the last day. Comments received after this time may not be considered. All representations and comments must be submitted in writing to the Deputy Director-General of the Department of Environmental Affairs, Branch Oceans and Coasts:

By post to: The Deputy Director-General
Environmental Affairs
Oceans and Coasts
Attention: Xola Mkefe
P.O Box 52126
V and A Waterfront, Cape Town
8002

By hand: East Pier Building 2, East Pier Road, V&A
Waterfront, Cape Town

By e-mail to: MPARegs@environment.gov.za
Enquiries: Xola Mkefe 021 819 2466



**BOMO EDITH EDNA MOLEWA
MINISTER OF ENVIRONMENTAL AFFAIRS**

SCHEDULE

All geographic co-ordinates are determined in accordance with the *WGS 84* datum, and all bearings are true bearings as set out in Annexure 1 hereto.

Boundaries of the Marine Protected Area

The Aliwal Shoal Marine Protected Area in KwaZulu-Natal is a coastal and offshore Marine Protected Area lying between the Lovu and Mzimayi estuary, with the outer boundary being comprised of straight lines sequentially joining the following five coordinates: (A) 30° 51' S, 30° 7' E; (B) 31° 2' S, 30° 7' E; (C) 31° 2' S, 30° 22' E; (D) 30° 47' S, 30° 22' E; and (E) 30° 48' S, 30° 11.9' E; and linking the first to the last using the high water mark. The area includes the sea bed, water column and subsoil within these boundaries.

Purpose

The purpose of declaring this Marine Protected Area is:

- (a) To contribute to a national and global representative system of marine protected areas by providing protection to the coastal and offshore benthic and pelagic ecosystems of this region;
- (b) to conserve and protect threatened ecosystems;
- (c) to conserve and protect the biodiversity and ecological processes associated with these ecosystems, including the sardine run;
- (d) to protect and promote a scenic area and its associated eco-tourism opportunities;
- (e) to facilitate species management by supporting fisheries recovery and enhanced species abundance in adjacent areas for intertidal resources, linefish and sharks;
- (f) to facilitate marine and coastal species management by protecting spawning and other aggregations of marine fish species;
- (g) to support the recovery of linefish by protecting spawning, nursery, foraging, aggregation and refuge areas for overexploited species;
- (h) to conserve and protect an area of life history importance for migratory species including seabirds, turtles, sharks and other fish;
- (i) to facilitate species management and sustainable use of linefish and enhance species abundance in adjacent areas; and
- (j) to protect and provide an appropriate environment for research and monitoring particularly research on fisheries recovery of linefish.

Annexure 1:

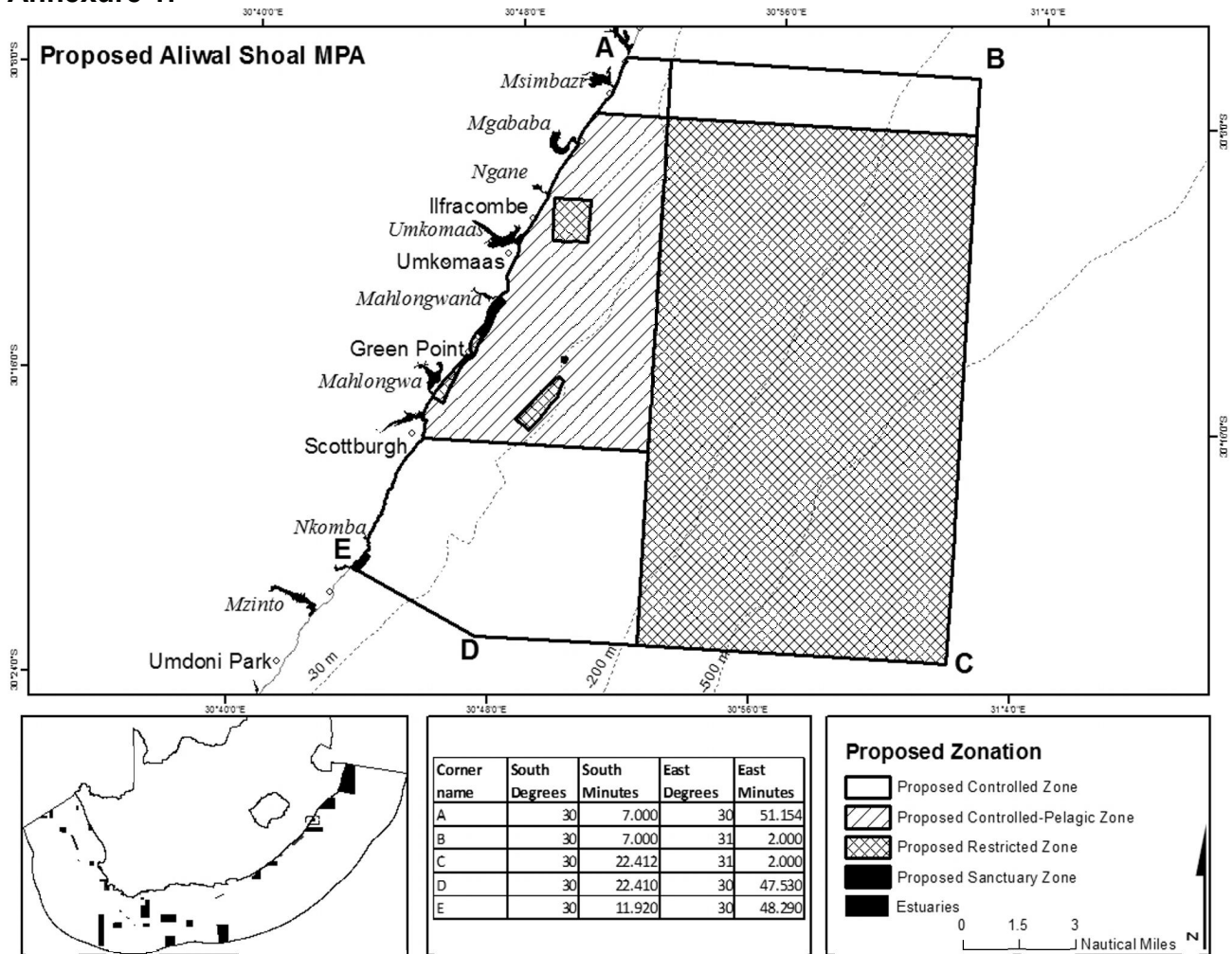


Figure 1: The proposed Aliwal Shoal MPA

Table 1: The exact geographic coordinates {WGS 84} of points A-E in Fig 1.

Corner name	Y (South)	X (East)	South Degrees	South Minutes	East Degrees	East Minutes
	Degrees	Degrees				
A	-30.1167	30.8048	30	7.000	30	51.154
B	-30.1167	30.8526	30	7.000	31	2.000
C	-30.3735	31.0333	30	22.412	31	2.000
D	-30.3735	31.0333	30	22.410	30	47.530
E	-30.1987	30.7922	30	11.920	30	48.290

DEPARTMENT OF ENVIRONMENTAL AFFAIRS

NO. R. 108

03 FEBRUARY 2016

**NATIONAL ENVIRONMENTAL MANAGEMENT: PROTECTED AREAS ACT, 2003
(ACT NO. 57 OF 2003)****DRAFT NOTICE DECLARING THE UTHUKELA BANKS MARINE PROTECTED
AREA UNDER SECTION 22A OF THE NATIONAL ENVIRONMENTAL
MANAGEMENT: PROTECTED AREAS ACT, 2003 (ACT NO. 57 OF 2003)**

I, Bomo Edith Edna Molewa, Minister of Environmental Affairs, hereby publish for public comment, the intention to declare under section 22A of the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003), the uThukela Banks Marine Protected Area as set out in the Schedule hereto.

Any person who wishes to submit representations or comments in connection with the proposed declaration is invited to do so within 90 days from the date of publication in the *Government Gazette* and by no later than 16h00 on the last day. Comments received after this time may not be considered. All representations and comments must be submitted in writing to the Deputy Director-General of the Department of Environmental Affairs, Branch Oceans and Coasts:

- By post to:** **The Deputy Director-General
Environmental Affairs
Oceans and Coasts
Attention: Xola Mkefe
P.O Box 52126
V and A Waterfront, Cape Town
8002**
- By hand:** **East Pier Building 2, East Pier Road, V&A
Waterfront, Cape Town**
- By e-mail to:** **MPARegs@environment.gov.za**
Enquiries: **Xola Mkefe 021 819 2466**



**BOMO EDITH EDNA MOLEWA
MINISTER OF ENVIRONMENTAL AFFAIRS**

SCHEDULE

All geographic co-ordinates are determined in accordance with the *WGS 84* datum, and all bearings are true bearings as set out in Annexure 1 hereto.

Boundaries of the Marine Protected Area

The uThukela Banks Marine Protected Area in KwaZulu-Natal is a coastal and offshore Marine Protected Area lying between the Mlalazi and Seteni estuary, with the outer boundary being a series of straight lines sequentially joining the following five coordinates: (A) 28° 56' S, 31° 51' E; (B) 28° 56' S, 32° 15' E; (C) 29° 37' S, 32° 15' S E; (D) 29° 37' S, 31° 18' E; and (E) 29° 25' S, 31° 18' E and linking the first to the last using the high water mark. The area includes the sea bed, water column and subsoil within these boundaries.

Purpose

The purpose for declaring this Marine Protected Area is:

- (a) To contribute to a national and global representative system of marine protected areas by providing protection to coastal and offshore benthic and pelagic ecosystems of the Kwazulu-Natal Bight;
- (b) to conserve and protect coastal habitats including sandy beaches, rocky shores and estuaries as well as offshore habitats including the soft sediment and reef systems, submarine canyons, the shelf edge and slope ecosystems;
- (c) to conserve and protect the biodiversity and ecological processes associated with these ecosystems. This includes the connectivity, spawning area and nursery function of this area and the role of fresh water riverine input in these processes;
- (d) to conserve and protect threatened ecosystems and species;
- (e) to protect and regulate a scenic area which contributes to eco-tourism;
- (f) to facilitate species management by supporting fisheries recovery and enhanced species abundance in adjacent areas for linefish and sharks;
- (g) to facilitate marine and coastal species management by protecting spawning and other aggregations of marine fish species; and
- (h) to contribute to sustainable marine and coastal ecotourism through the zonation for activities which yield socio-economic benefits on the local and national scales.

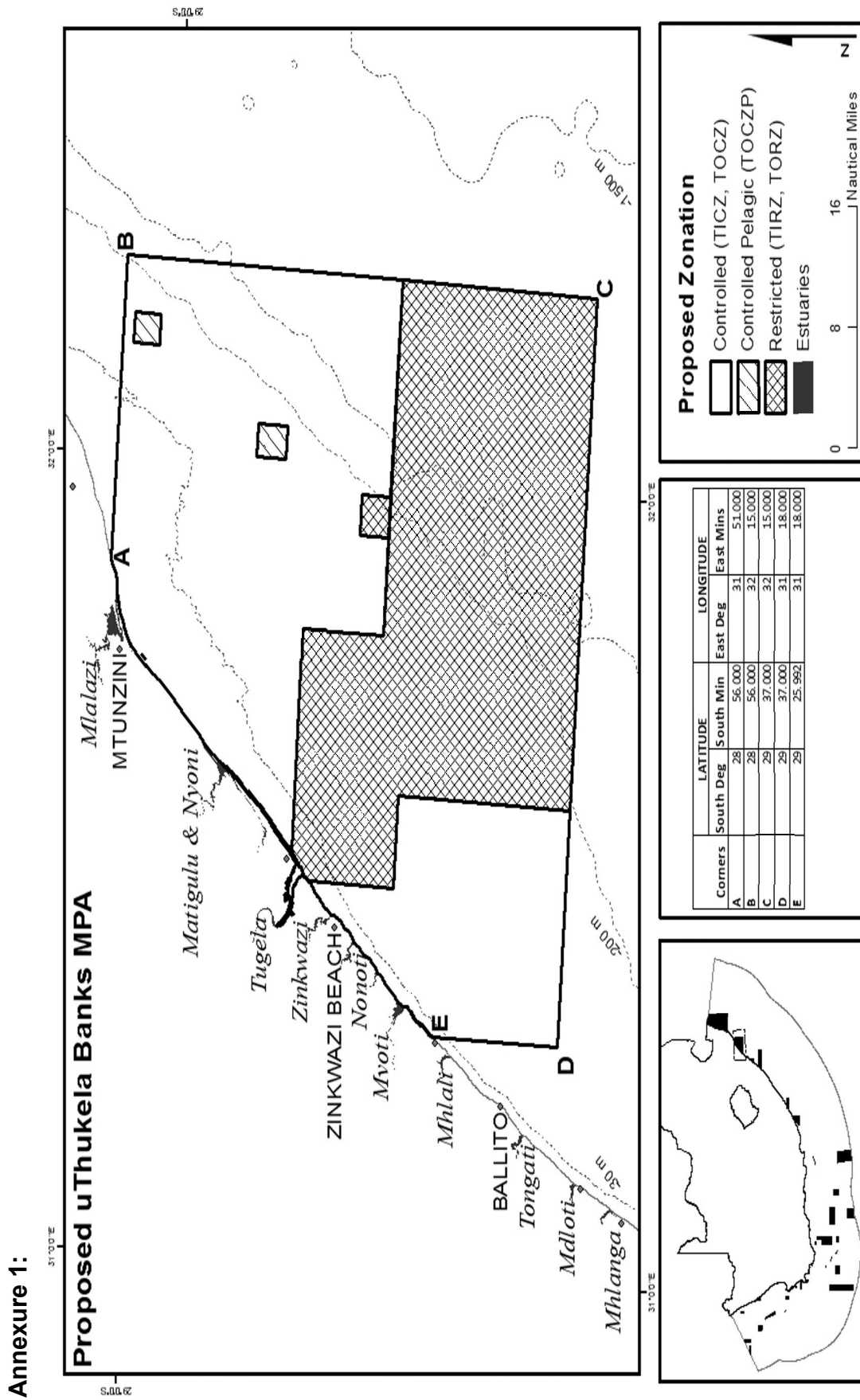


Figure 1: The proposed boundaries for the uThukela Banks Proposed MPA

Table 1: The exact geographic coordinates (WGS 84) of points A-E in Fig 1.

Corner name	X (East) Decimal Degrees	Y (South) Decimal Degrees	X (East) Degrees	X (East) Minutes	Y (South) Degrees	Y (South) Minutes
A	31.866	-28.933	31	51.985	28	56.000
B	32.250	-28.933	32	15.000	28	56.000
C	32.250	-29.616	32	15.000	29	37.000
D	31.300	-29.616	31	18.000	29	37.000
E	31.300	-29.433	31	18.000	29	25.992

DEPARTMENT OF ENVIRONMENTAL AFFAIRS

NO. R. 109

03 FEBRUARY 2016

**NATIONAL ENVIRONMENTAL MANAGEMENT: PROTECTED AREAS ACT, 2003
(ACT NO. 57 OF 2003)****NOTICE DECLARING THE AMATHOLE OFFSHORE MARINE PROTECTED
AREA UNDER SECTION 22A OF THE NATIONAL ENVIRONMENTAL
MANAGEMENT: PROTECTED AREAS ACT, 2003 (ACT NO. 57 OF 2003)**

I, Bomo Edith Edna Molewa, Minister of Environmental Affairs, hereby publish for public comment, the intention to declare under section 22A of the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003), the Amathole Offshore Marine Protected Area as set out in the Schedule hereto.

Any person who wishes to submit representations or comments in connection with the proposed declaration is invited to do so within 90 days from the date of publication in the *Government Gazette* and by no later than 16h00 on the last day. Comments received after this time may not be considered. All representations and comments must be submitted in writing to the Deputy Director-General of the Department of Environmental Affairs, Branch Oceans and Coasts:

By post to: **The Deputy Director-General
Environmental Affairs
Oceans and Coasts
Attention: Xola Mkefe
P.O Box 52126
V and A Waterfront, Cape Town
8002**

By hand: **East Pier Building 2, East Pier Road, V&A
Waterfront, Cape Town**

By e-mail to: **MPARegs@environment.gov.za**
Enquiries: **Xola Mkefe 021 819 2466**



**BOMO EDITH EDNA MOLEWA
MINISTER OF ENVIRONMENTAL AFFAIRS**

SCHEDULE

All geographic co-ordinates are determined in accordance with the *WGS 84* datum, and all bearings are true bearings as set out in Annexure 1 hereto.

Boundaries of the Marine Protected Area

The Amathole Offshore Marine Protected Area in the Eastern Cape comprises two areas lying offshore between Kei Mouth and Port Alfred. The Offshore Kei area comprises of straight lines sequentially joining the following six coordinates: (A) 32° 42.840' S, 28° 25.260' E; (B) 32° 43' S, 28° 46'E; (C) 33° 0' S, 28° 46' E; (D) 33° 0' S, 28° 11'E; (E) 32° 50.717' S, 28° 11.154'E; and (F) 32° 49.464' S, 28° 12.9'E with the first and last point joining the existing inshore Kei area of the existing Amathole Marine Protected Area. The offshore Gxulu area comprises of straight lines sequentially joining the following five coordinates: (A) 33° 9.513' S, 27° 45.913' E; (B) 33° 45' S, 27° 46' E; (C) 33° 45' S, 27° 11' E; (D) 33° 35' S, 27° 11'E; and (E) 33° 14.018' S, 27° 40.422' E with the first and last point joining the existing inshore Gxulu area of the existing Amathole Marine Protected Area. The area includes the sea bed, water column and subsoil within these boundaries.

Purpose

The purpose for declaring this Marine Protected Area is:

- (a) to contribute to a national and global representative system of marine protected areas by providing protection to the offshore benthic and pelagic outer shelf and slope ecosystems of the region;
- (b) to conserve and protect canyon, deep reef, cold water coral, sandy and pelagic habitats of this area;
- (c) to conserve and protect threatened ecosystems and fish species;
- (d) to conserve and protect the biodiversity and ecological processes associated with the ecosystems in this area;
- (e) to support the recovery of linefish by protecting spawning, nursery, foraging, aggregation and refuge areas for overexploited species;
- (f) to facilitate species management and sustainable use of linefish and south coast rock lobster and enhance species abundance in adjacent areas; and
- (g) to protect and provide an appropriate reference environment for research and monitoring particularly with regard to habitat recovery, fisheries recovery of linefish and habitat requirements of south coast rock lobster.

Annexure 1:

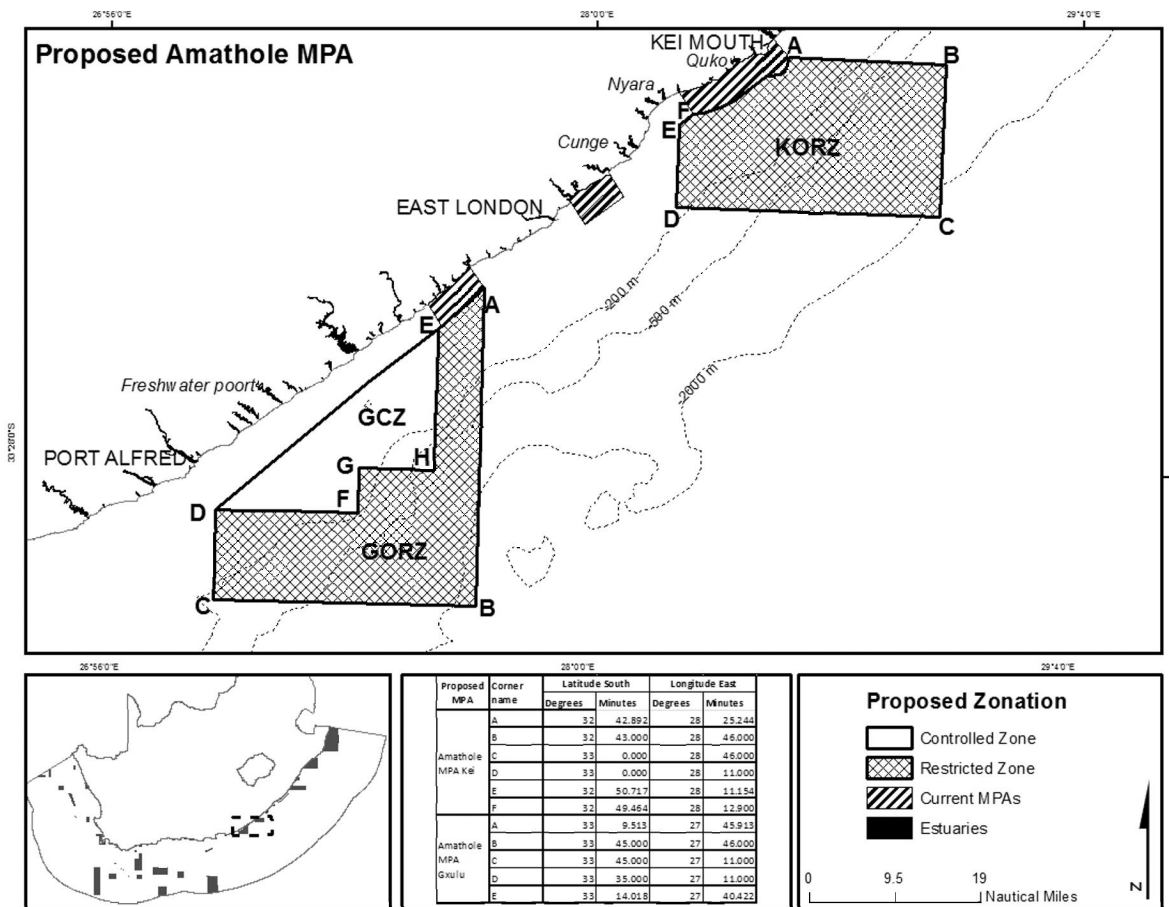


Fig. 1. The proposed boundaries for the Amathole Offshore Marine Protected Area.

Table 1. The exact geographic coordinates (WGS 84) of the Kei Offshore Area points A-F and the Gxulu Offshore Area points A-E.

Proposed MPA	Corner name	Latitude	Longitude	Latitude South		Longitude East	
		Decimal Degrees	Decimal Degrees	Degrees	Minutes	Degrees	Minutes
Amathole offshore Kei area	A	-32.715	28.421	32	42.892	28	25.244
	B	-32.717	28.767	32	43.000	28	46.000
	C	-33.000	28.767	33	0.000	28	46.000
	D	-33.000	28.183	33	0.000	28	11.000
	E	-32.845	28.186	32	50.717	28	11.154
	F	-32.824	28.215	32	49.464	28	12.900
Amathole offshore Gxulu area	A	-33.159	27.765	33	9.513	27	45.913
	B	-33.750	27.767	33	45.000	27	46.000
	C	-33.750	27.183	33	45.000	27	11.000
	D	-33.583	27.183	33	35.000	27	11.000
	E	-33.234	27.674	33	14.018	27	40.422

DEPARTMENT OF ENVIRONMENTAL AFFAIRS

NO. R. 110

03 FEBRUARY 2016

**NATIONAL ENVIRONMENTAL MANAGEMENT: PROTECTED AREAS
ACT, 2003
(ACT NO. 57 OF 2003)**

**DRAFT REGULATIONS FOR THE MANAGEMENT OF THE ALI WAL
SHOAL MARINE PROTECTED AREA**

I, Bomo Edith Edna Molewa, Minister of Environmental Affairs, hereby publish for public comment, the draft Regulations for the Management of the Aliwal Shoal Marine Protected Area in terms of sections 48A(2) and 86(1)(a), (b), (c) and (d) of the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003), as set out in the Schedule hereto.

Any person who wishes to submit representations or comments in connection with the draft regulations are invited to do so within 90 days from the date of publication in the *Government Gazette* and by no later than 16h00 on the last day. Comments received after this time may not be considered. All representations and comments must be submitted in writing to the Deputy Director-General of the Department of Environmental Affairs, Branch Oceans and Coasts:

By post to: **The Deputy Director-General
Environmental Affairs
Oceans and Coasts
Attention: Xola Mkefe
P.O Box 52126
V and A Waterfront, Cape Town
8002**

By hand: **East Pier Building 2, East Pier Road, V&A
Waterfront, Cape Town**

By e-mail to: **MPAREgs@environment.gov.za**
Enquiries: **Xola Mkefe 021 819 2466**



**BOMO EDITH EDNA MOLEWA
MINISTER OF ENVIRONMENTAL AFFAIRS**

Schedule

1. Definitions

In these Regulations, unless the context indicates otherwise, a word or expression that is defined in the Act bears the same meaning in these Regulations, and in addition—

“**Act**” means the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003);

“**ASCPZ**” means Aliwal Shoal Controlled-Pelagic Zone;

“**ASCZ**” means Aliwal Shoal Controlled Zone;

“**ASIRZ**” means Aliwal Shoal Inshore Restricted Zone;

“**ASORZ**” means Aliwal Shoal Offshore Restricted Zone;

“**ASISZ**” means Aliwal Shoal Inshore Sanctuary Zone;

“**certificate of competence**” means a certificate of competence as defined in the National Small Vessel Safety Regulations, 2007;

“**certificate of fitness**” means a certificate of fitness as defined in the National Small Vessel Safety Regulations, 2007;

“**Controlled Zone**” means an area within a marine protected area where fishing or any other activity in terms of section 48A(1) of the Act may take place if authorised in terms of these regulations, as contemplated in terms of section 48A(2) of the Act;

“**Controlled-Pelagic Zone**” means a Controlled Zone within the Marine Protected Area where pelagic fishing may occur as detailed in a fish list attached to these regulations as Annexure 2;

“**environment**” has the meaning assigned to it in section 1 of the National Environmental Management Act;

“**fish**” means any aquatic plant or animal whether piscine or not, and any mollusc, crustacean, coral, sponge, holothurian or other echinoderm, reptile and includes their eggs, larvae and all juvenile stages, but does not include sea birds, seals or any marine mammal;

“fishing” or to **“fish”** means—

- (a) searching for, catching, taking or harvesting fish or an attempt to any such activity;
- (b) engaging in any other activity which can reasonably be expected to result in the locating, catching, taking or harvesting of fish;
- (c) placing, searching for or recovering any fish aggregating device or associated gear, including radio beacons;
- (d) any operation in support or in preparation of any activity described in this definition; or
- (e) the use of an aircraft in relation to any activity described in this definition;

“fossicking” means the search, collection and removal of fauna and flora;

“hovercraft” means a craft that floats on a cushion of air and is capable of traversing water;

“Integrated Coastal Management Act” means the National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008);

“Marine Living Resources Act” means the Marine Living Resources Act, 1998 (Act No. 18 of 1998);

“Marine Protected Area” means the Aliwal Shoal Marine Protected Area as declared by the Minister in terms of section 22A of the Act;

“National Small Vessel Safety Regulations” means the Merchant Shipping (National Small Vessel Safety) Regulations, 2007, published in terms of section 356 of the Merchant Shipping Act, 1951 (Act No. 57 of 1951) and promulgated in Government Notice No. R. 705 of 8 August 2007;

“operate” in respect of a vessel, includes mooring in the water, drifting in the water and ascending or descending from its mooring, the shore, launch site, a buoy or a jetty;

“personal watercraft” means a vessel that uses an inboard motor powering a water jet pump as its primary source of propulsion, and is designed to be operated by a person or persons sitting, standing, or kneeling on rather than within the confines of a hull;

“Restricted Zone” means an area within the Marine Protected Area where no fishing may take place, but where any other activity in terms of section 48A(1) of the Act may take place if authorised in terms of these regulations as contemplated in terms of section 48A(2) of the Act;

“**Sanctuary Zone**” means an area within the Marine Protected Area where no fishing may take place, and where limited recreational activities may take place as provided for in the management plan, and where any other activity in terms of section 48A(1) of the Act may take place if authorised in terms of these regulations as contemplated in terms of section 48A(2) of the Act;

“**SCUBA Diving**” means swimming below the surface of the water, with the aid of compressed or pumped air or other gasses;

“**snorkeling**” means to swim with a diving mask, a snorkel or fins;

“**speargun**” means a device by which a spear is projected by mechanical or pneumatic means;

“**vessel**” means a waterborne craft of any kind whether a surface craft or submarine, and whether self-propelled or not, and includes any moored floating structure that can be used as a means of transport by water, including a personal watercraft or hovercraft; and

“**WGS 84**” means the World Geodetic System of 1984 (G730), which is a geographic co-ordinate system.

2. Zonation within the Marine Protected Area

The Marine Protected Area consists of an inshore and offshore area. The inshore area consists of one (1) inshore Restricted Zone, two (2) inshore Sanctuary Zones and the remainder is an Inshore Controlled Zone. The offshore area consists of one (1) offshore Controlled-Pelagic zone, two (2) offshore Controlled Zone and four (4) offshore Restricted Zones, which are determined by using WGS 84 as detailed in Annexure 1 hereto as follows:

- (a) one (1) inshore and off shore Controlled-Pelagic Zone, indicated as ASCPZ1;
- (b) one (1) inshore and off shore Controlled Zone, indicated as ASCZ1;
- (c) one (1) inshore and off shore Controlled Zone, indicated as ASCZ2;
- (d) one (1) off shore Restricted Zone, indicated as ASORZ1;
- (e) one (1) off shore Restricted Zone, indicated as ASORZ2;
- (f) one (1) off shore Restricted Zone, indicated as ASORZ3;
- (g) one (1) off shore Restricted Zone, indicated as ASORZ4;
- (h) one (1) inshore Restricted Zone, indicated as ASIRZ1;
- (i) one (1) inshore Sanctuary Zone, indicated as ASISZ1; and
- (j) one (1) inshore Sanctuary Zone, indicated as ASISZ2.

3. Scientific research permit

- (1) No person may undertake any scientific research within the Marine Protected Area, except on the authority of a scientific research permit issued by the Minister.
- (2) Application for a scientific research permit in terms of sub-regulation (1) must be made to the Minister in accordance with the provisions of section 83 of the Marine Living Resources Act or any regulations published under the Integrated Coastal Management Act.

4. General restrictions within the Marine Protected Area

- (1) The owner, skipper or operator of a vessel shall not enter or operate a vessel in the Marine Protected Area without a valid certificate of competence and a certificate of fitness issued in respect of such vessel, and such original certificates must be available for inspection at all times.
- (2) A vessel shall not enter the Marine Protected Area unless the marking approved for that vessel in accordance with the provisions of the Merchant Shipping Act, 1951 (Act No. 57 of 1951), is displayed on the vessel at all times while the vessel is inside the Marine Protected Area.
- (3) The owner, skipper or operator of a vessel shall not enter or operate a vessel in the Marine Protected Area unless such vessel and any other equipment or contents of such vessel, comply with the safety and other requirements specified in the Merchant Shipping Act, 1951 (Act No. 57 of 1951) for such vessel.

5. Use of vessels

- (1) No person may moor or anchor any vessel in the Marine Protected Area except—
 - (a) under conditions of *force majeure*; or
 - (b) for the use of a vessel by an employee of the Department or any other organ of state acting in the course and scope of their employment or mandate.

- (2) Despite sub-regulation (1), the Minister may, on application and on such conditions as he or she may deem appropriate, authorise the anchoring or mooring of a vessel in the following circumstances:
 - (a) in an emergency; or
 - (b) where the Minister may deem it to be necessary in order to ensure the proper management of the Marine Protected Area.
- (3) The Minister may verbally authorise a vessel to moor or anchor within the Marine Protected Area as contemplated in sub-regulation (2), which verbal authorisation must be confirmed in writing within 3 working days.
- (4) Any motorized vessel that enters or traverses a Restricted Zone or Sanctuary Zone within the Marine Protected Area may not stop or move at less than 5 knots at any time while in a Restricted Zone or Sanctuary Zone.
- (5) A motorized vessel entering or traversing a Sanctuary Zone or Restricted Zone within the Marine Protected Area with fishing gear on board must have a Global Positioning System (GPS) Mapping Device with an active trail operational on the vessel, prior to entering and while traversing a Restricted Zone within the Marine Protected Area and such GPS data may not be deleted from this device for forty-eight hours after passing through a Restricted Zone or Sanctuary Zone.
- (6) A vessel required by law to have a Vessel Monitoring System must, when entering or traversing the Marine Protected Area with fishing gear on board, ensure that the Vessel Monitoring System is active.

6. Restriction of activities

No person may undertake any activity listed in section 48A(1) of the Act, in the Marine Protected Area, unless authorised in terms of these regulations.

7. Control of activities in Sanctuary Zone

- (1) No person shall fish, or attempt to fish, in the ASISZ or ASOSZ, including collecting or harvesting of invertebrates or intertidal organisms.

- (2) No person may trample on rocks, engage in fossicking, collect or remove shells or any other organism in the ASISZ.
- (3) No person may engage in snorkeling or SCUBA diving in the ASISZ or ASOSZ.
- (4) A vessel within or traversing the ASISZ or ASOSZ, may not carry any fish or part thereof on board such vessel.
- (5) No person may have any fish or part thereof, any speargun or other spearfishing equipment within their possession within the ASISZ or ASOSZ.
- (6) Fishing gear onboard a vessel or in possession of any person that enters or is present in the ASISZ or ASOSZ must be stowed in accordance with regulation 8(2).

8. Control of activities in the Restricted Zone

- (1) No person shall fish, or attempt to fish, in the ASIRZ or ASORZ 1-4, including invertebrates or collecting or harvesting of intertidal organisms.
- (2) Fishing gear onboard a vessel or in possession of any person that enters or is present in the ASIRZ or the ASORZ 1-4 must be stowed in the following manner:
 - (a) in the case of line fishing—
 - (i) from a vessel, all hooks, lures, and weights are disconnected from the line, all the line is reeled onto the reel or rolled up, and that rolled up line, hooks, lures, bait and weights on the vessel are placed away in the cabin, wheel house or console of the vessel;
 - (ii) from the shore, all hooks, lures, and weights are disconnected from the line, all the line is reeled onto the reel or rolled up, and that rolled up line, hooks, lures, bait and weights are placed away in a bag or container;
 - (b) in the case of purse-seine fishing, the boom shall be lowered as far as possible so that the vessel cannot be used for fishing but so that the skiff is accessible for use in emergency situations;

- (c) in the case of a trawl fishing, all nets, trawl boards and weights shall be disconnected from their towing or hauling wires, ropes or rigid frames and either stowed below deck or securely lashed to some part of the superstructure of the fishing vessel;
 - (d) in the case of rock lobster fishing, all traps shall be on board and tied down; and all dinghies shall be on board and securely lashed to some part of the superstructure of the fishing vessel;
 - (e) in the case of fishing with traps other than rock lobster traps, all traps shall be on board and tied down; and
 - (f) in the case of longline fishing, all gear shall be covered and the cover secured.
- (3) No person may have any speargun or other spearfishing equipment within their possession within the ASIRZ or ASORZ 1-4.

9. Control of activities in Controlled and Controlled Pelagic Zones

- (1) No person shall fish, or attempt to fish, in the ASCZ 1-2 or ASCPZ unless—
- (a) they are in possession of a valid fishing permit in the line fish commercial fishing sector issued in terms of the Marine Living Resources Act and such permit authorises fishing within the ASCZ 1-2 or ASCPZ of the Marine Protected Area; or
 - (b) they are in possession of a valid recreational fishing permit issued in terms of the Marine Living Resources Act.
- (2) Notwithstanding anything to the contrary, a person in possession of a recreational fishing permit as contemplated in sub-regulation (1)(b), and fishing in the ASCPZ, may only fish for the species specified in Annexure 2 to these regulations.
- (3) Notwithstanding anything to the contrary, any person in possession of a recreation fishing permit as contemplated in sub-regulations (1)(b), and fishing in the ASCPZ or ASCZ, may not fish for any shark species (Elasmobranchii) within the ASCPZ or ASCZ.

- (4) Notwithstanding anything to the contrary, any person in possession of a recreational or commercial fishing permit as contemplated in sub-regulation (1), and fishing in the ASCZ, may not fish for any benthic species during the period 1st August to 31st October of any year.
- (5) No person shall undertake recreational fishing in the ASCZ or ASCPZ in the period between 17h00 in the evening and 06h00 of the following day.
- (6) Fishing gear onboard a vessel or in possession of any person that enters or is present in the ASCZ or ASCPZ and who is not authorised to fish in terms of sub-regulation (1), must be stowed in accordance with regulation 8(2).

10. SCUBA diving

- (1) No person may operate or attempt to operate a SCUBA diving business in a Restricted, Controlled or Controlled Pelagic Zone without a permit.
- (2) Application for a permit referred to in sub-regulation (1) must be made to the Minister and may be issued subject to conditions.
- (3) Any vessel that has deployed divers in the Marine Protected Area must display an alpha flag.
- (4) Subject to regulation 3, no person may SCUBA dive in any Sanctuary Zone within the Marine Protected Area.

11. Discharge into Marine Protected Area

- (1) Any existing discharge of effluent occurring at the date of commencement of these regulations, as contemplated in section 69 of the Integrated Coastal Management Act is hereby authorised to continue within the Marine Protected Area provided such discharge is authorised in terms of section 69 of the Integrated Coastal Management Act.
- (2) No new discharges of effluent occurring after the date of commencement of these regulations, as contemplated in terms of section 69 of the Integrated Coastal Management Act may be authorised and are prohibited in accordance with section 48A of the Act.

12. Suspension, amendment and cancellation of permits

- (1) Subject to sub-regulations (2) and (3), a permit issued under these regulations may be suspended, cancelled or amended at any time.
- (2) A permit issued in terms of these regulations may be suspended, cancelled or amended, if—
 - (a) the Minister is satisfied on the basis of information that was not considered when the permit was issued, that it is necessary or desirable to suspend, cancel or amend the permit to prevent deterioration or further deterioration of the environment within the Marine Protected Area;
 - (b) other similar permits held by other persons have also been reviewed and the suspension, cancellation or amendment does not unfairly discriminate against the holder in relation to other holders of similar permits;
 - (c) the permit holder is in breach of a condition contained in the permit;
 - (d) the permit holder provided incorrect or false information in the application for the permit;
 - (e) the holder of a permit has been convicted of an offence in terms of the Act, the National Environmental Management Act or a specific environmental management act or any regulations issued thereunder; or
 - (f) the reason for the issuing of the permit no longer exists.
- (3) A permit issued in terms of these regulations may be amended—
 - (a) if an error needs to be corrected or rectified;
 - (b) at the request of the applicant;
 - (c) for the proper management and implementation of these regulations; or
 - (d) where the conditions or circumstances have changed since the original permit was issued.

13. Offences and penalties

In addition to any offence in terms of section 89 of the Act, any person who contravenes or fails to comply with—

- (a) regulations 3(1), 4, 5(1), 5(4) to 5(6), 6, 7, 8, 9, 10(1), 10(3), 10(4) or 11;
- (b) a condition mentioned in a permit issued in terms of these regulations; or
- (c) a prohibition, instruction, rule or order imposed, given or issued under these regulations;

is guilty of an offence and liable in the case of a first conviction to a fine not exceeding R5 million or to imprisonment for a period not exceeding five years and in the case of a second or subsequent conviction to a fine not exceeding R10 million or imprisonment for a period not exceeding 10 years or in both instances to both a fine and such imprisonment.

14. Withdrawal and repeal

The Regulations for the Management of the Alliwai Shoal Marine Protected Area as published in *Government Gazette* 26433 Notice No. 697 of 4 June 2004 are hereby repealed.

15. Short title and commencement

These regulations are called the Aliwal Shoal Marine Protected Area Regulations and commence upon date of publication in the *Gazette*.

Annexure 1
(Zonation of Aliwal Shoal Marine Protected Area)

INSHORE

- (1) **Aliwal Shoal Inshore Sanctuary Zones (ASISZ1)** comprises the intertidal portion of the Aliwal Shoal Marine Protected Area and is defined as the section between the following two co-ordinates (a) 30° 13.464' S, 30° 47.694' E and (b) 30° 14.420' S, 30° 47.071' E running from the high water mark to the five meter depth contour.
- (2) **Aliwal Shoal Inshore Sanctuary Zones (ASISZ2)** comprises the intertidal portion of the Aliwal Shoal Marine Protected Area and is defined as the section between the following two co-ordinates (d) 30° 20.404' S, 30° 44.003' E and (e) 30° 20.807' S, 30° 43.618' E running from the high water mark to the five meter depth contour.
- (3) **Aliwal Shoal Inshore Restricted Zone (ASIRZ)** comprises the intertidal portion of the Aliwal Shoal Marine Protected Area and is defined as the section between the following two co-ordinates (b) 30° 14.420' S, 30° 47.071' E and (c) 30° 16.193' S, 30° 45.814' E running from the high water mark to the five meter depth contour.
- (4) **Aliwal Shoal Controlled Zone (ASCZ)** comprises of the remainder of the inshore portion of the Aliwal Shoal Marine Protected Area between the two Inshore Restricted Zones.

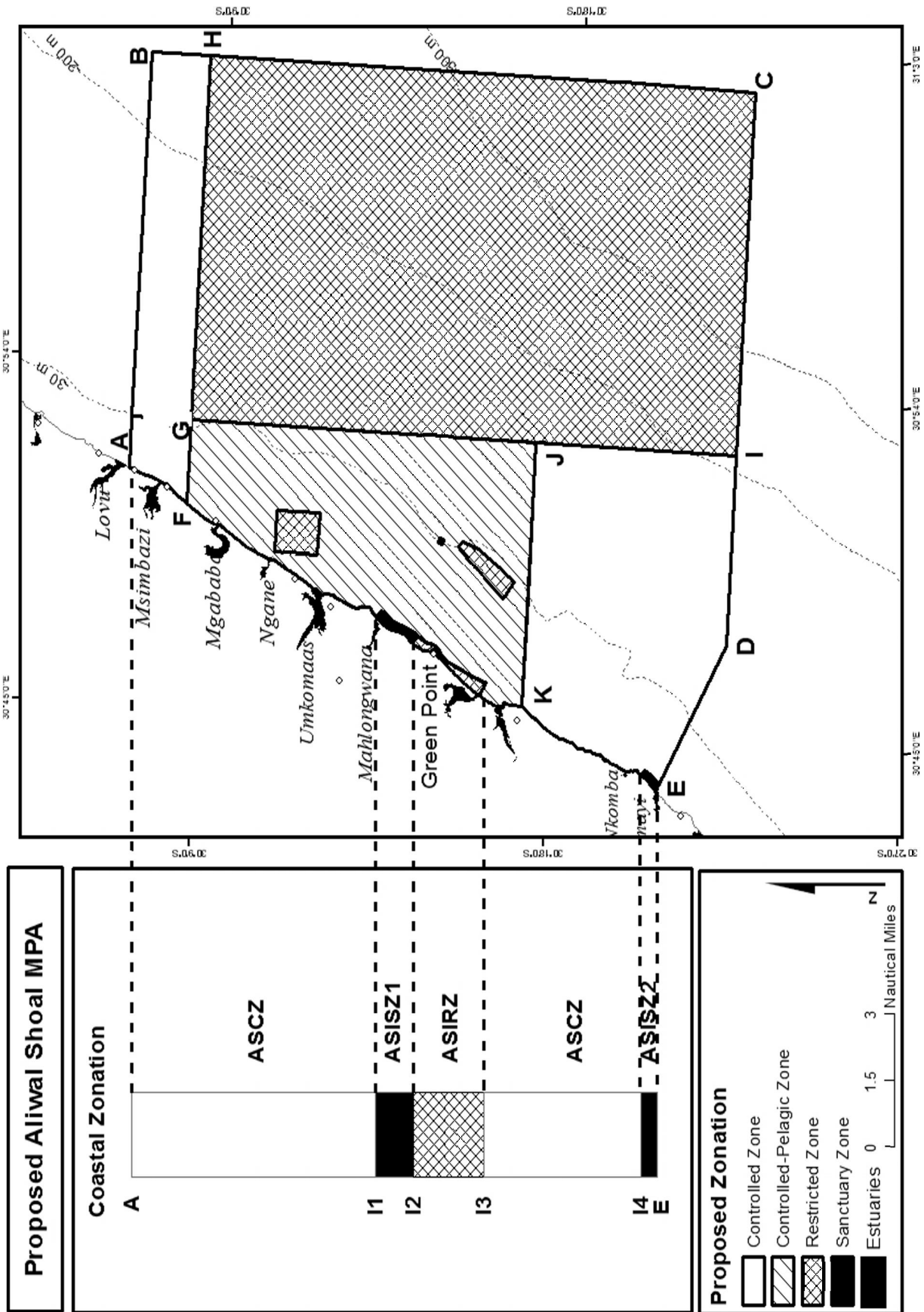


Figure 1: Proposed Aliwal Shoal Offshore Expansion and Inshore MPA

OFFSHORE

- (1) **Aliwal Shoal Offshore Restricted Zone 1 (ASORZ1)** comprises the offshore portion of the Aliwal Shoal Marine Protected Area and is defined as the area within straight lines sequentially joining the following four co-ordinates, coordinates (G) 30° 8.5' S, 30° 52.5' E; (H) 30° 8.5' S, 31° 2' E; (C) 30° 22.412' S, 31° 2' E; (I) 30° 22.412' S, 30° 52.5' E; linking the first co-ordinate to the last.
- (2) **Aliwal Shoal Offshore Restricted Zone 2 (ASORZ2)** comprises of a block offshore as part of the Aliwal Shoal Marine Protected Area and is defined as the area within straight lines sequentially joining the following four co-ordinates, coordinates (a) 30° 10.8' S, 30° 49.2' E; (b) 30° 10.8' S, 30° 50.3' E; (c) 30° 11.9' S, 30° 50.3' E; (d) 30° 11.9' S, 30° 49.2' E; linking the first co-ordinate to the last.
- (3) **Aliwal Shoal Offshore Restricted Zone 3 (ASORZ3)** comprising of the Produce Restricted Zone and is defined as the area within straight lines sequentially joining the following four co-ordinates (e) 30° 14',968S; 30° 49',723E; (f) 30° 14',985S; 30° 49',846E; (g) 30° 15',093S; 30° 49',827E; (h) 30° 15',076S; 30° 49',703E
- (4) **Aliwal Shoal Offshore Restricted Zone 4 (ASORZ4)** comprising of the Crown Area Restricted Zone and is enclosed by twelve points, which lie on the 25 meter isobath. The twelve points have the following coordinates: (i) 30° 15',600S; 30° 49',776E; (j) 30° 15',791S; 30° 49',714E; (k) 30° 15',982S; 30° 49',627E; (l) 30° 16',270S; 30° 49',409E; (m) 30° 16',673S; 30° 49',078E; (n) 30° 16',926S; 30° 48',835E; (o) 30° 16',800S; 30° 48',600E; (p) 30° 16',680S; 30° 48',376E; (q) 30° 16',189S; 30° 48',834E; (r) 30° 15',908S; 30° 49',143E; (s) 30° 15',518S; 30° 49',589E; (t) 30° 15',474S; 30° 49',671E
- (5) **Aliwal Shoal Controlled-Pelagic Zone (ASCPZ)** comprises the offshore portion of the Aliwal Shoal Marine Protected Area and is defined as the area within straight lines sequentially joining the following four co-ordinates (F) 30° 8.5' S, 30° 50.33' E; (G) 30° 8.5' S, 30° 52.5' E; (J) 30° 17.3' S, 30° 52.5' E; (K) 30° 17.3' S, 30° 45.586' E; linking the first co-ordinate to the last.
- (6) **Aliwal Shoal Controlled Zone 1 (ASCZ1)** comprises the offshore portion of the Aliwal Shoal Marine Protected Area and is defined as the area within straight lines sequentially joining the following five co-ordinates (A) 30° 7' S, 30° 51.154' E; (B) 31° 7' S, 31° 2' E; (H) 30° 8.5' S, 31° 2' E; (G) 30° 8.5' S, 30° 52.5' E; (F) 30° 8.5' S, 30° 50.33' E; linking the first co-ordinate to the last.
- (7) **Aliwal Shoal Controlled Zone 2 (ASCZ2)** comprises the offshore portion of the Aliwal Shoal Marine Protected Area and is defined as the area within straight lines sequentially joining the following five co-ordinates (K) 30° 17.3' S, 30° 45.586' E; (J) 30° 17.3' S, 30° 52.5' E; (I) 30° 22.412' S, 30° 52.5' E (D) 30° 47' S, 30° 22' E; (E) 30° 48' S, 30° 11.9' E; linking the first co-ordinate to the last.

CONTINUES ON PAGE 130 - PART 2



Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID AFRIKA

Regulation Gazette

No. 10553

Regulasiekoerant

Vol. 608

3 February 2016
3 Februarie 2016

No. 39646

PART 2 OF 3

N.B. The Government Printing Works will not be held responsible for the quality of "Hard Copies" or "Electronic Files" submitted for publication purposes

ISSN 1682-5843



9 771682 584003

39646



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

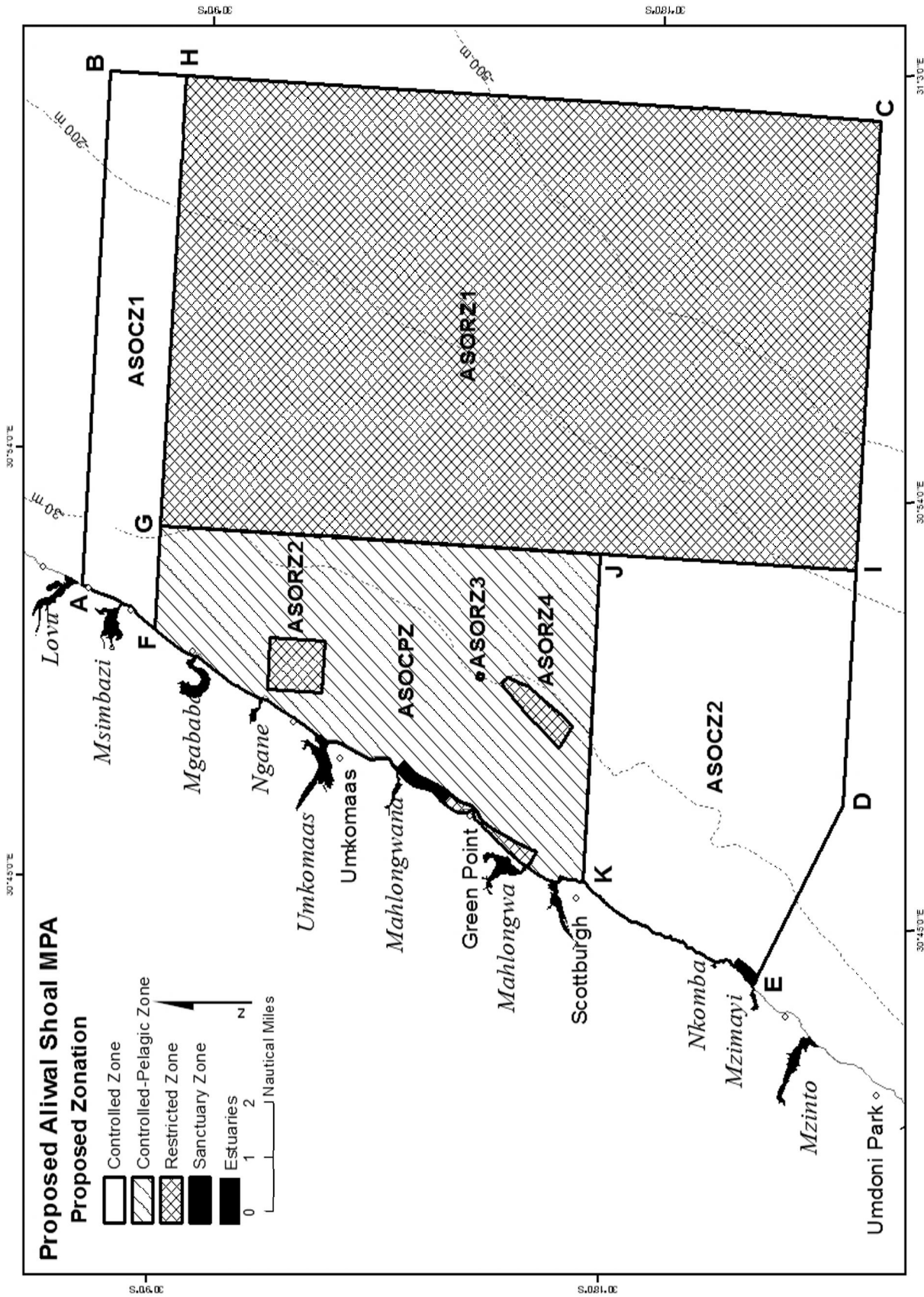


Figure 1: Proposed Zonation for Aliwal Shoal MPA

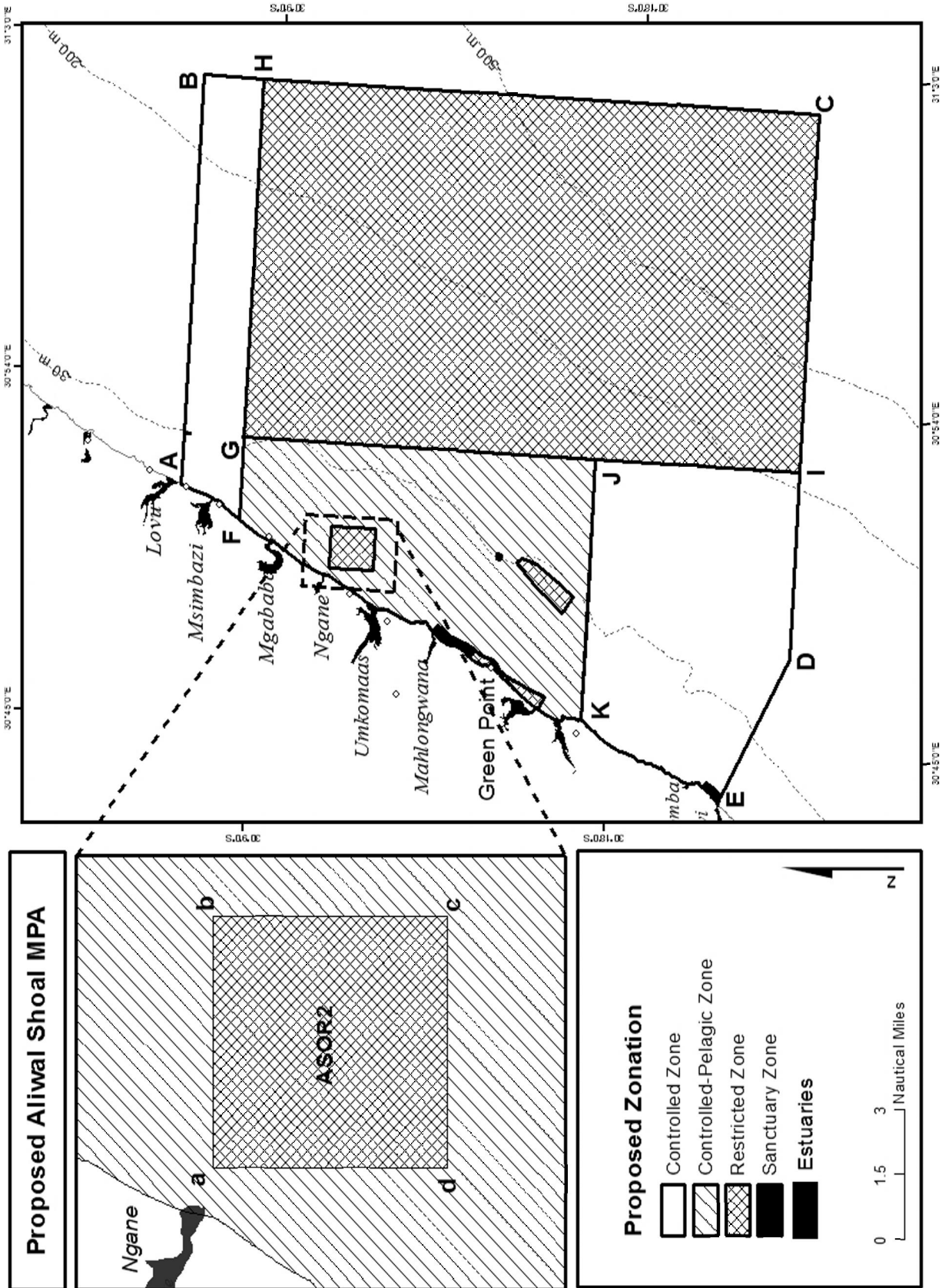


Figure 2: Proposed Aliwal Shoal Offshore Restricted Zone 2.

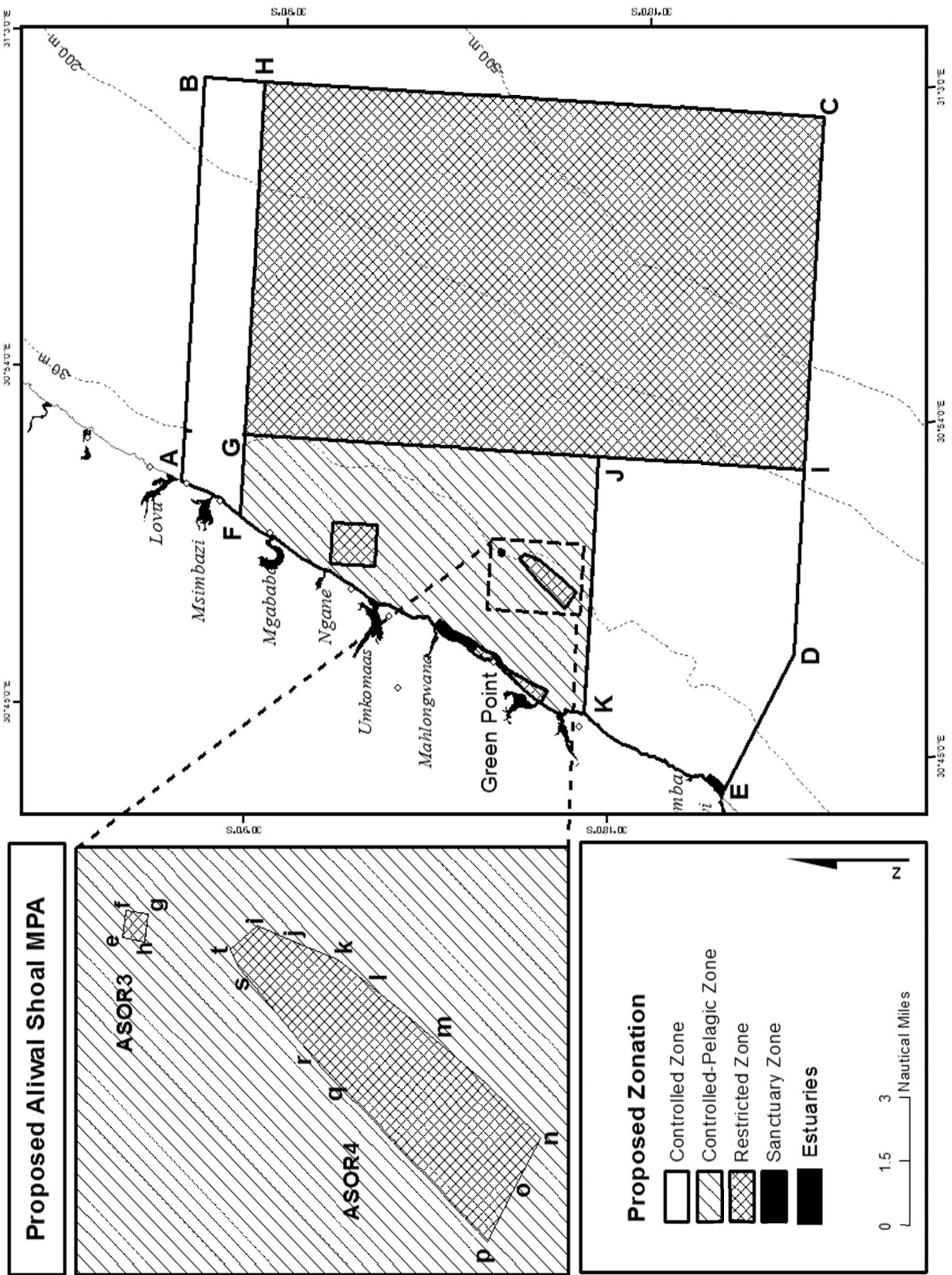


Figure 3: Proposed Aliwal Shoal Offshore Restricted Zones 3 and 4.

Table 1: Table of co-ordinates for the Proposed Aliwal Shoal Marine Protected Area

INSHORE				
Corner name	South Degrees	South Minutes	East Degrees	East Minutes
a	30	14.420	30	47.071
b	30	16.193	30	45.814
c	30	20.404	30	44.003
d	30	20.807	30	43.618
OFFSHORE				
Corner name	South Degrees	South Minutes	East Degrees	East Minutes
A	30	7.000	30	51.154
B	30	7.000	31	2.000
C	30	22.412	31	2.000
D	30	22.410	30	47.530
E	30	11.920	30	48.290
F	30	8.500	30	50.330
G	30	8.500	30	52.500
H	30	8.500	31	2.000
I	30	22.412	30	52.500
J	30	17.300	30	52.500
K	30	17.300	30	45.586
a	30	10.800	30	49.200
b	30	10.800	30	50.300
c	30	11.900	30	50.300
d	30	11.900	30	49.200
e	30	14.968	30	49.723
f	30	14.985	30	49.846
g	30	15.093	30	49.827
h	30	15.076	30	49.703
i	30	15.600	30	49.776
j	30	15.791	30	49.714
k	30	15.982	30	49.627
l	30	16.270	30	49.409
m	30	16.673	30	49.078
n	30	16.926	30	48.835
o	30	16.800	30	48.600
p	30	16.680	30	48.376
q	30	16.189	30	48.834
r	30	15.908	30	49.143
s	30	15.518	30	49.589
t	30	15.474	30	49.671

Annexure 2

Draft pelagic fish species list for the Controlled-Pelagic Zone

(Note: this is a list of game and bait fish species that MAY be caught in the Controlled-Pelagic Zone inside the ASCPZ of the Aliwal Shoal Marine Protected Area. Family names are given as all species in these families may be caught)

Pelagic gamefish species:

Carangidae – kingfish, garrick, yellowtail, queenfish, etc.

Coryphaenidae – Dorado/dolphin fish

Istiophoridae – Sailfish and marlin

Pomatomidae – Shad/elf

Rachycentridae – Prodigal son/Cobia

Scombridae – Tunas, mackerels, wahoo, etc.

Sphyraenidae – Barracudas

Xiphiidae – Swordfish/broadbill

Pelagic baitfish species (includes carangids and scombrids as indicated above):

Atherinidae – silversides

Belonidae – garfish

Chirocentridae – wolf herring/slimy

Clupeidae – red-eyes, sardines, etc.

Engraulidae – anchovies, glass-noses/bonies, etc.

Exocoetidae - flyingfishes

Hemiramphidae – halfbeaks

Scomberesocidae - sauries

DEPARTMENT OF ENVIRONMENTAL AFFAIRS

NO. R. 111

03 FEBRUARY 2016

**NATIONAL ENVIRONMENTAL MANAGEMENT: PROTECTED AREAS ACT,
2003
(ACT NO. 57 OF 2003)**

**DRAFT REGULATIONS FOR THE MANAGEMENT OF THE AGULHAS MUDS
MARINE PROTECTED AREA**

I, Bomo Edith Edna Molewa, Minister of Environmental Affairs, hereby publish for public comment, the draft Regulations for the Management of the Agulhas Muds Marine Protected Area in terms of sections 48A(2) and 86(1)(a), (b), (c) and (d) of the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003), as set out in the Schedule hereto.

Any person who wishes to submit representations or comments in connection with the draft regulations are invited to do so within 90 days from the date of publication in the *Government Gazette* and by no later than 16h00 on the last day. Comments received after this time may not be considered. All representations and comments must be submitted in writing to the Deputy Director-General of the Department of Environmental Affairs, Branch Oceans and Coasts:

By post to: **The Deputy Director-General
Environmental Affairs
Oceans and Coasts
Attention: Xola Mkefe
P.O Box 52126
V and A Waterfront, Cape Town
8002**

By hand: **East Pier Building 2, East Pier Road, V&A
Waterfront, Cape Town**

By e-mail to: **MPARegs@environment.gov.za**
Enquiries: **Xola Mkefe 021 819 2466**



**BOMO EDITH EDNA MOLEWA
MINISTER OF ENVIRONMENTAL AFFAIRS**

Schedule

1. Definitions

In these Regulations, unless the context indicates otherwise, a word or expression that is defined in the Act bears the same meaning in these Regulations, and in addition—

“**Act**” means the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003);

“**certificate of competence**” means a certificate of competence as defined in the National Small Vessel Safety Regulations, 2007;

“**certificate of fitness**” means a certificate of fitness as defined in the National Small Vessel Safety Regulations, 2007;

“**Controlled Zone**” means an area within the Marine Protected Area where fishing or any other activity in terms of section 48A(1) of the Act may take place if authorised in terms of these regulations, as contemplated in terms of section 48A(2) of the Act;

“**environment**” has the meaning assigned to it in section 1 of the National Environmental Management Act;

“**fish**” means any aquatic plant or animal whether piscine or not, and any mollusc, crustacean, coral, sponge, holothurian or other echinoderm, reptile and includes their eggs, larvae and all juvenile stages, but does not include sea birds, seals or any marine mammal;

“**fishing**” or to “**fish**” means—

- (a) searching for, catching, taking or harvesting fish or an attempt to any such activity;
- (b) engaging in any other activity which can reasonably be expected to result in the locating, catching, taking or harvesting of fish;
- (c) placing, searching for or recovering any fish aggregating device or associated gear, including radio beacons;
- (d) any operation in support or in preparation of any activity described in this definition; or
- (e) the use of an aircraft in relation to any activity described in this definition;

“**hovercraft**” means a craft that floats on a cushion of air and is capable of traversing water;

“**Integrated Coastal Management Act**” means the National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008);

“**Marine Living Resources Act**” means the Marine Living Resources Act, 1998 (Act No. 18 of 1998);

“**Marine Protected Area**” means the Agulhas Muds Marine Protected Area as declared by the Minister in terms of section 22A of the Act;

“**National Small Vessel Safety Regulations**” means the Merchant Shipping (National Small Vessel Safety) Regulations, 2007, published in terms of section 356 of the Merchant Shipping Act, 1951 (Act No. 57 of 1951) and promulgated in Government Notice No. R. 705 of 8 August 2007;

“**operate**” in respect of a vessel, includes mooring in the water, drifting in the water and ascending or descending from its mooring, the shore, launch site, a buoy or a jetty;

“**personal watercraft**” means a vessel that uses an inboard motor powering a water jet pump as its primary source of propulsion, and is designed to be operated by a person or persons sitting, standing or kneeling on, rather than within, the confines of a hull;

“**vessel**” means a waterborne craft of any kind whether a surface craft or submarine, and whether self-propelled or not, and includes any moored floating structure that can be used as a means of transport by water and includes a personal watercraft and hovercraft; and

“**WGS 84**” means the World Geodetic System of 1984 (G730), which is a geographic co-ordinate system.

2. Zonation within the Marine Protected Area

The entire Agulhas Muds Marine Protected Area is zoned as a single Controlled Zone which is determined by using WGS 84 as detailed in Annexure 1 hereto.

3. Scientific research permit

- (1) No person may undertake any scientific research within the Marine Protected Area, except on the authority of a scientific research permit issued by the Minister.

- (2) Application for a scientific research permit in terms of sub-regulation (1) must be made to the Minister in accordance with the provisions of section 83 of the Marine Living Resources Act or any regulations published under the Integrated Coastal Management Act.

4. General restrictions within the Marine Protected Area

- (1) The owner, skipper or operator of a vessel shall not enter or operate a vessel in the Marine Protected Area without a valid certificate of competence and a certificate of fitness issued in respect of such vessel, and such original certificates must be available for inspection at all times.
- (2) A vessel shall not enter the Marine Protected Area unless the marking approved for that vessel in accordance with the provisions of the Merchant Shipping Act, 1951 (Act No. 57 of 1951), is displayed on the vessel at all times while the vessel is inside the Marine Protected Area.
- (3) The owner, skipper or operator of a vessel shall not enter or operate a vessel in the Marine Protected Area unless such vessel and any other equipment or contents of such vessel, comply with the safety and other requirements specified in the Merchant Shipping Act, 1951 (Act No. 57 of 1951) for such vessel.

5. Use of vessels

- (1) No person may moor or anchor any vessel in the Marine Protected Area except—
 - (a) under conditions of *force majeure*; or
 - (b) for the use of a vessel by an employee of the Department or any other organ of state acting in the course and scope of their employment or mandate.
- (2) Despite sub-regulation (1), the Minister may, on application and on such conditions as he or she may deem appropriate, authorise the anchoring or mooring of a vessel in the following circumstances:
 - (a) in an emergency; or
 - (b) where the Minister may deem it to be necessary in order to ensure the proper management of the Marine Protected Area.

- (3) The Minister may verbally authorise a vessel to moor or anchor within the Marine Protected Area as contemplated in sub-regulation (2), which verbal authorisation must be confirmed in writing within 3 working days.

6. Restriction of activities

No person may undertake any activity listed in section 48A(1) of the Act in the Marine Protected Area, unless authorised to do so in terms of these regulations.

7. Control of activities in the Agulhas Muds Marine Protected Area

- (1) No person shall fish, or attempt to fish, from a vessel in the Marine Protected Area unless:
 - (a) they are in possession of a valid fishing permit in the line fish commercial fishing sector issued in terms of the Marine Living Resources Act and such permit authorises fishing within the Marine Protected Area; or
 - (b) they are in possession of a valid recreational fishing permit issued in terms of the Marine Living Resources Act.
- (2) No person shall undertake recreational fishing in the Marine Protected Area in the period between 17h00 in the evening and 06h00 of the following day.
- (3) Fishing gear onboard a vessel or in the possession of any person that enters or is present in the Marine Protected Area and who is not authorised to fish in terms of sub-regulation (1), must be stowed in the following manner:
 - (a) in the case of line fishing from a vessel, all hooks, lures, and weights are disconnected from the line, all the line is reeled onto the reel or rolled up, and that rolled up line, hooks, lures, bait and weights on the vessel are placed away in the cabin, wheel house or console of the vessel;
 - (b) in the case of purse-seine fishing the boom shall be lowered as far as possible so that the vessel cannot be used for fishing but so that the skiff is accessible for use in emergency situations;
 - (c) in the case of a trawl fishing, all nets, trawl boards and weights shall be disconnected from their towing or hauling wires, ropes

- or rigid frames and either stowed below deck or securely lashed to some part of the superstructure of the fishing vessel;
- (d) in the case of rock lobster fishing all traps shall be on board and tied down, and all dinghies shall be on board and securely lashed to some part of the superstructure of the fishing vessel;
 - (e) in the case of fishing with traps other than rock lobster traps, all traps shall be on board and tied down; and
 - (f) in the case of longline fishing, all gear shall be covered and the cover secured.

8. Suspension, amendment and cancellation of permits

- (1) Subject to sub-regulation (2) and (3), a permit issued under these regulations may at any time be suspended, cancelled or amended.
- (2) A permit issued in terms of these regulations may be suspended, cancelled or amended, if—
 - (a) the Minister is satisfied on the basis of information that was not considered when the permit was issued, that it is necessary or desirable to suspend, cancel or amend the permit to prevent deterioration or further deterioration of the environment within the Marine Protected Area;
 - (b) other similar permits held by other persons have also been reviewed and the suspension, cancellation or amendment does not unfairly discriminate against the holder in relation to other holders of similar permits;
 - (c) the permit holder is in breach of a condition contained in the permit;
 - (d) the permit holder provided incorrect or false information in the application for the permit;
 - (e) the holder of a permit has been convicted of an offence in terms of the Act, the National Environmental Management Act or a specific environmental management act or any regulations issued thereunder; or
 - (f) the reason for the issuing of the permit no longer exists.
- (3) A permit issued in terms of these regulations may be amended—

- (a) if an error needs to be corrected or rectified;
- (b) at the request of the applicant;
- (c) for the proper management and implementation of these regulations; or
- (d) where the conditions or circumstances have changed since the original permit was issued.

9. Offences and penalties

- (1) In addition to any offence in terms of section 89 of the Act, any person who contravenes or fails to comply with—
 - (a) regulations 3(1), 4, 5(1), 6 or 7;
 - (b) a condition mentioned in a permit issued in terms of these regulations; or
 - (c) a prohibition, instruction, rule or order imposed, given or issued under these regulations;

is guilty of an offence and liable in the case of a first conviction to a fine not exceeding R5 million or to imprisonment for a period not exceeding five years and in the case of a second or subsequent conviction to a fine not exceeding R10 million or imprisonment for a period not exceeding 10 years or in both instances to both a fine and such imprisonment.

10. Short title and commencement

These regulations are called the Agulhas Muds Marine Protected Area Regulations and commence upon date of publication in the *Gazette*.

Annexure 1
 (Zonation of Agulhas Muds Marine Protected Area)

The Agulhas Muds Marine Protected Area is zoned as a single Controlled Zone. The Agulhas Muds Marine Protected Area is bounded by a series of straight lines sequentially joining the following four coordinates (A) 34° 50' S, 20° 30' E; (B) 34° 50' S, 20° 40' E; (C) 34° 57' S, 20° 40' E; (D) 34° 57' S, 20° 30' E. The area includes the sea bed, water column and subsoil within these boundaries.

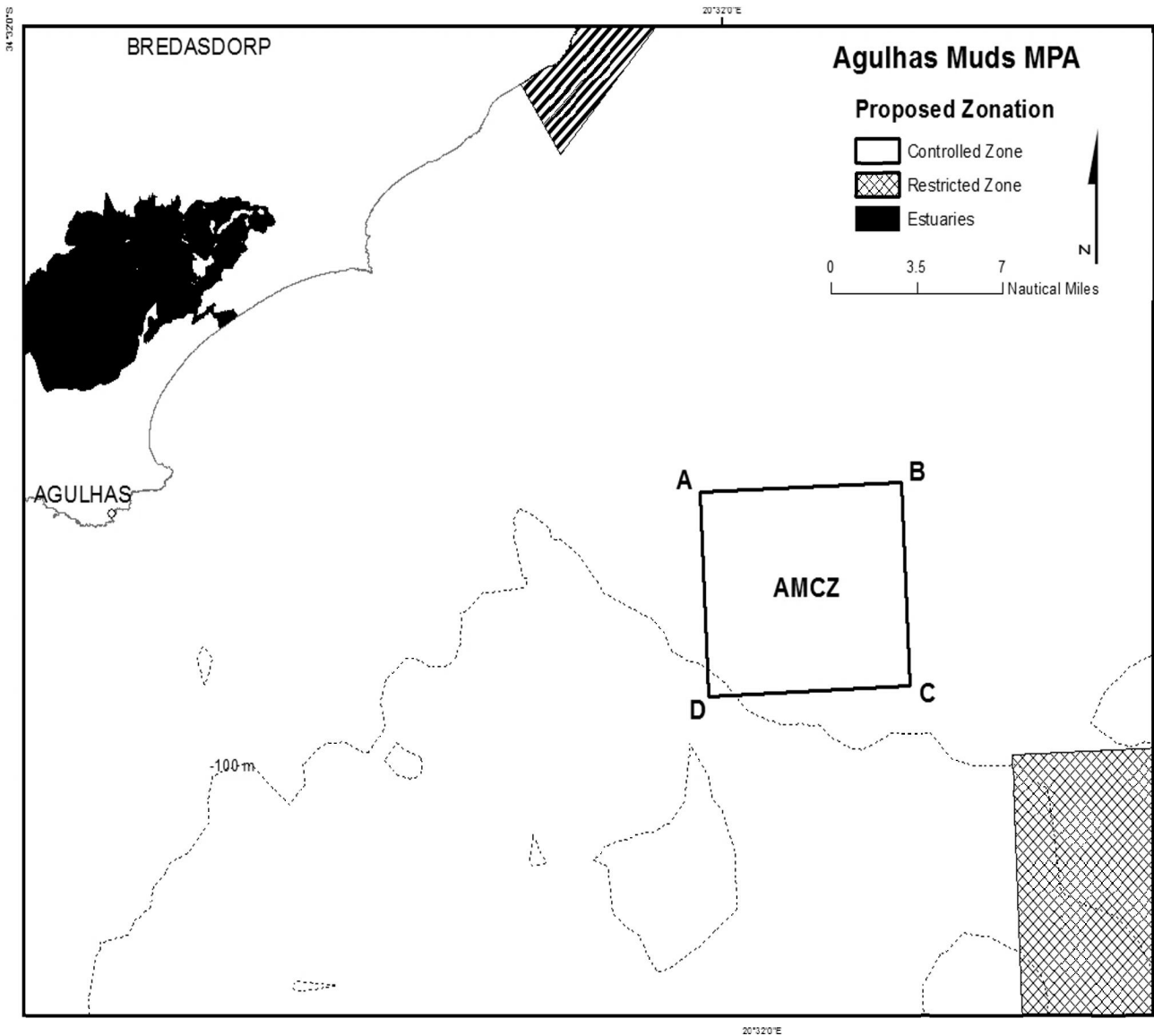


Fig. 1. The proposed zonation for the Agulhas Muds Marine Protected Area

Table 1: Co-ordinates for the proposed Agulhus Muds MPA

Corner name	Latitude	Longitude	Latitude South		Longitude East	
	Decimal Degrees	Decimal Degrees	Degrees	Minutes	Degrees	Minutes
A	-35	20.500	34	50.000	20	30
B	-35	20.667	34	50.000	20	40
C	-35	20.667	34	57.000	20	40
D	-35	20.500	34	57.000	20	30

DEPARTMENT OF ENVIRONMENTAL AFFAIRS

NO. R. 112

03 FEBRUARY 2016

**NATIONAL ENVIRONMENTAL MANAGEMENT: PROTECTED AREAS ACT, 2003
(ACT NO. 57 OF 2003)****DRAFT NOTICE DECLARING THE AGULHAS MUDS MARINE PROTECTED
AREA UNDER SECTION 22A OF THE NATIONAL ENVIRONMENTAL
MANAGEMENT: PROTECTED AREAS ACT, 2003 (ACT NO. 57 OF 2003)**

I, Bomo Edith Edna Molewa, Minister of Environmental Affairs, hereby publish for public comment, the intention to declare under section 22A of the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003), the Agulhas Muds Marine Protected Area as set out in the Schedule hereto.

Any person who wishes to submit representations or comments in connection with the proposed declaration is invited to do so within 90 days from the date of publication in the *Government Gazette* and by no later than 16h00 on the last day. Comments received after this time may not be considered. All representations and comments must be submitted in writing to the Deputy Director-General of the Department of Environmental Affairs, Branch Oceans and Coasts:

By post to: **The Deputy Director-General
Environmental Affairs
Oceans and Coasts
Attention: Xola Mkefe
P.O Box 52126
V and A Waterfront, Cape Town
8002**

By hand: **East Pier Building 2, East Pier Road, V&A
Waterfront, Cape Town**

By e-mail to: **MPAREgs@environment.gov.za**
Enquiries: **Xola Mkefe 021 819 2466**



**BOMO EDITH EDNA MOLEWA
MINISTER OF ENVIRONMENTAL AFFAIRS**

SCHEDULE

All geographic co-ordinates are determined in accordance with the *WGS 84* datum, and all bearings are true bearings as detailed in Annexure 1 hereto.

Boundaries of the Marine Protected Area

The Agulhas Muds Marine Protected Area in the Western Cape is an offshore Marine Protected Area in the 80 to 100 m depth range lying approximately 22 nautical miles east of Cape Agulhas. The Agulhas Muds Marine Protected Area is bounded by a series of straight lines sequentially joining the following four coordinates (A) 34° 50' S, 20° 30' E; (B) 34° 50' S, 20° 40' E; (C) 34° 57' S, 20° 40' E; (D) 34° 57' S, 20° 30' E. The area includes the sea bed, water column and subsoil within these boundaries.

Purpose

The purpose for declaring this Marine Protected Area is:

- (a) to contribute to a national and global representative system of marine protected areas by providing protection to offshore benthic ecosystems on the shelf in this region;
- (b) to protect a threatened mud ecosystem;
- (c) to conserve and protect the biodiversity and ecological processes associated with this ecosystem; and
- (d) to protect and provide an appropriate reference environment for research and monitoring particularly research on habitat impacts and recovery.

Annexure 1:

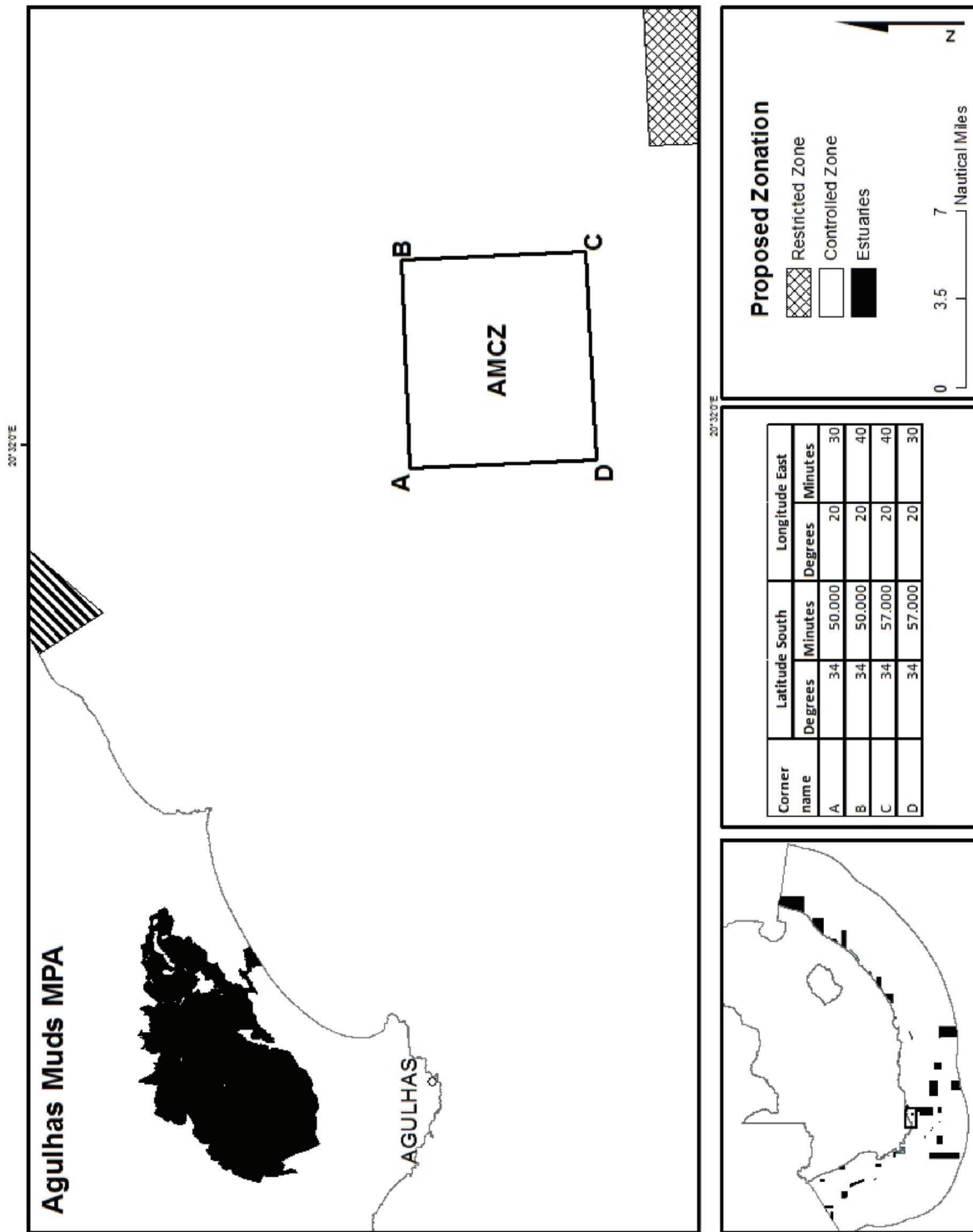


Figure 1. The proposed boundaries for the Agulhas Muds Marine Protected Area

Table 1. The exact geographic coordinates (WGS 84) of points A-D in Fig 1.

Corner name	X (East) Decimal Degrees	Y (South) Decimal Degrees	X (East) Degrees	X (East) Minutes	Y (South) Degrees	Y (South) Minutes
A	20.5000	-34.8333	20	30.000	34	50.000
B	20.6667	-34.8333	20	40.000	34	50.000
C	20.6667	-34.9500	20	40.000	34	57.000
D	20.5000	-34.9500	20	30.000	34	57.000

DEPARTMENT OF ENVIRONMENTAL AFFAIRS

NO. R. 113

03 FEBRUARY 2016

**NATIONAL ENVIRONMENTAL MANAGEMENT: PROTECTED AREAS ACT,
2003
(ACT NO. 57 OF 2003)**

**DRAFT REGULATIONS FOR THE MANAGEMENT OF THE AMATHOLE
OFFSHORE MARINE PROTECTED AREA**

I, Bomo Edith Edna Molewa, Minister of Environmental Affairs, hereby publish for public comment, the draft Regulations for the Management of the Amathole Offshore Marine Protected Area in terms of sections 48A(2) and 86(1)(a), (b), (c) and (d) of the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003), as set out in the Schedule hereto.

Any person who wishes to submit representations or comments in connection with the draft regulations are invited to do so within 90 days from the date of publication in the *Government Gazette* and by no later than 16h00 on the last day. Comments received after this time may not be considered. All representations and comments must be submitted in writing to the Deputy Director-General of the Department of Environmental Affairs, Branch Oceans and Coasts:

By post to: **The Deputy Director-General
Environmental Affairs
Oceans and Coasts
Attention: Xola Mkefe
P.O Box 52126
V and A Waterfront, Cape Town
8002**

By hand: **East Pier Building 2, East Pier Road, V&A
Waterfront, Cape Town**

By e-mail to: **MPARegs@environment.gov.za**
Enquiries: **Xola Mkefe 021 819 2466**



**BOMO EDITH EDNA MOLEWA
MINISTER OF ENVIRONMENTAL AFFAIRS**

Schedule

1. Definitions

In these Regulations, unless the context indicates otherwise, a word or expression that is defined in the Act bears the same meaning in these Regulations, and in addition—

“**Act**” means the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003);

“**certificate of competence**” means a certificate of competence as defined in the National Small Vessel Safety Regulations, 2007;

“**certificate of fitness**” means a certificate of fitness as defined in the National Small Vessel Safety Regulations, 2007;

“**Controlled Zone**” means an area within a marine protected area where fishing or any other activity in terms of section 48A(1) of the Act may take place if authorised in terms of these regulations as contemplated in terms of section 48A(2) of the Act;

“**environment**” has the meaning assigned to it in section 1 of the National Environmental Management Act;

“**fish**” means any aquatic plant or animal whether piscine or not, and any mollusc, crustacean, coral, sponge, holothurian or other echinoderm, reptile and includes their eggs, larvae and all juvenile stages, but does not include sea birds, seals or any marine mammal;

“**fishing**” or to “**fish**” means—

- (a) searching for, catching, taking or harvesting fish or an attempt to any such activity;
- (b) engaging in any other activity which can reasonably be expected to result in the locating, catching, taking or harvesting of fish;
- (c) placing, searching for or recovering any fish aggregating device or associated gear, including radio beacons;
- (d) any operation in support or in preparation of any activity described in this definition; or
- (e) the use of an aircraft in relation to any activity described in this definition;

“**GOCZ**” means the Gxulu Offshore Controlled Zone;

“**GORZ**” means the Gxulu Offshore Restricted Zone;

“**hovercraft**” means a craft that floats on a cushion of air and is capable of traversing water;

“**Integrated Coastal Management Act**” means the National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008);

“**KORZ**” means the Kei Offshore Restricted Zone;

“**Marine Living Resources Act**” means the Marine Living Resources Act, 1998 (Act No. 18 of 1998);

“**Marine Protected Area**” means the Amathole Offshore Marine Protected Area as declared by the Minister in terms of section 22A of the Act;

“**National Small Vessel Safety Regulations**” means the Merchant Shipping (National Small Vessel Safety) Regulations, 2007, published in terms of section 356 of the Merchant Shipping Act, 1951 (Act No. 57 of 1951) and promulgated in Government Notice No. R. 705 of 8 August 2007;

“**operate**” in respect of a vessel, includes mooring in the water, drifting in the water and ascending or descending from its mooring, the shore, launch site, a buoy or a jetty;

“**personal watercraft**” means a vessel that uses an inboard motor powering a water jet pump as its primary source of propulsion, and is designed to be operated by a person or persons sitting, standing, or kneeling on rather than within the confines of a hull;

“**Restricted Zone**” means an area within a marine protected area where no fishing may take place, but where any other activity in terms of section 48A(1) of the Act may take place if authorised in terms of these regulations as contemplated in terms of section 48A(2) of the Act:

“**vessel**” means a waterborne craft of any kind whether a surface craft or submarine, and whether self-propelled or not, and includes any moored floating structure that can be used as a means of transport by water and includes a personal watercraft and hovercraft; and

“**WGS 84**” means the World Geodetic System of 1984 (G730), which is a geographic co-ordinate system.

2. Zonation within the Marine Protected Area

The Marine Protected Area consists of two (2) offshore Restricted Zones and one (1) offshore Controlled Zone, which are determined by using WGS 84 as detailed in Annexure 1 hereto as follows:

- (a) one (1) off shore Restricted Zone in the Gxulu Offshore Area, indicated as GORZ;
- (b) one (1) off shore Restricted Zone in the Kei Offshore Area, indicated as KORZ; and
- (c) one (1) off shore Controlled Zone in the Gxulu Offshore Area, indicated as GOCZ.

3. Scientific research permit

- (1) No person may undertake any scientific research within the Marine Protected Area, except on the authority of a scientific research permit issued by the Minister.
- (2) Application for a scientific research permit in terms of sub-regulation (1) must be made to the Minister in accordance with the provisions of section 83 of the Marine Living Resources Act or any regulations published under the Integrated Coastal Management Act.

4. General restrictions within the Marine Protected Area

- (1) The owner, skipper or operator of a vessel shall not enter or operate a vessel in the Marine Protected Area without a valid certificate of competence and a certificate of fitness issued in respect of such vessel, and such original certificates must be available for inspection at all times.
- (2) A vessel shall not enter the Marine Protected Area unless the marking approved for that vessel in accordance with the provisions of the Merchant Shipping Act, 1951 (Act No. 57 of 1951), is displayed on the vessel at all times while the vessel is inside the Marine Protected Area.
- (3) The owner, skipper or operator of a vessel shall not enter or operate a vessel in the Marine Protected Area unless such vessel and any other equipment or contents of such vessel, comply with the safety and other requirements specified in the Merchant Shipping Act, 1951 (Act No. 57 of 1951) for such vessel.

5. Use of vessels

- (1) No person may moor or anchor any vessel in the Marine Protected Area except—
 - (a) under conditions of *force majeure*; or
 - (b) for the use of a vessel by an employee of the Department or any other organ of state acting in the course and scope of their employment or mandate.
- (2) Despite sub-regulation (1), the Minister may on application and on such conditions as he or she may deem appropriate, authorise the anchoring or mooring of a vessel in the following circumstances—
 - (a) in an emergency; or
 - (b) where the Minister may deem it to be necessary in order to ensure the proper management of the Marine Protected Area.
- (3) The Minister may verbally authorise a vessel to moor or anchor within the Marine Protected Area as contemplated in sub-regulation (2), which verbal authorisation must be confirmed in writing within 3 working days.
- (4) Any motorized vessel that enters or traverses a Restricted Zone within the Marine Protected Area may not stop or move at less than 5 knots at any time while in a Restricted Zone.
- (5) A motorized vessel entering or traversing a Restricted Zone within the Marine Protected Area with fishing gear on board must have a Global Positioning System (GPS) Mapping Device with an active trail operational on the vessel, prior to entering and while traversing a Restricted Zone within the Marine Protected Area and such GPS data may not be deleted from this device for forty eight hours after passing through a Restricted Zone.
- (6) A vessel required by law to have a Vessel Monitoring System; must, when entering or traversing the Marine Protected Area with fishing gear onboard, ensure that the Vessel Monitoring System is active.

6. Restriction of activities

No person may undertake any activity listed in section 48A(1) of the Act in the Marine Protected Area, unless authorised in terms of these regulations.

7. Control of activities in Restricted Zone

- (1) No person shall fish, or attempt to fish, in the GORZ and KORZ.
- (2) Fishing gear onboard a vessel or in possession of any person that enters or is present in the GORZ and KORZ must be stowed in the following manner:
 - (a) in the case of line fishing from a vessel, all hooks, lures, and weights are disconnected from the line, all the line is reeled onto the reel or rolled up, and that rolled up line, hooks, lures, bait and weights on the vessel are placed away in the cabin, wheel house or console of the vessel;
 - (b) in the case of purse-seine fishing, the boom shall be lowered as far as possible so that the vessel cannot be used for fishing but so that the skiff is accessible for use in emergency situations;
 - (c) in the case of a trawl fishing, all nets, trawl boards and weights shall be disconnected from their towing or hauling wires, ropes or rigid frames and either stowed below deck or securely lashed to some part of the superstructure of the fishing vessel;
 - (d) in the case of rock lobster fishing, all traps shall be on board and tied down; and all dinghies shall be on board and securely lashed to some part of the superstructure of the fishing vessel;
 - (e) in the case of fishing with traps other than rock lobster traps, all traps shall be on board and tied down; and
 - (f) in the case of longline fishing, all gear shall be covered and the cover secured.

8. Control of activities in Controlled Zone

- (1) No person shall fish, or attempt to fish, from a vessel in the GOCZ unless—
 - (a) they are in possession of a valid fishing permit in the line fish commercial fishing sector issued in terms of the Marine Living Resources Act and such permit authorises fishing within the GOCZ of the Marine Protected Area ; or

- (b) they are in possession of a valid recreational fishing permit issued in terms of the Marine Living Resources Act.
- (2) Notwithstanding anything to the contrary, a person in possession of a recreational fishing permit as contemplated in sub-regulation (1)(b) above, may only fish for the species specified in Annexure 2 to these regulations.
- (3) No person shall undertake recreational fishing in the GOCZ in the period between 17h00 in the evening and 06h00 of the following day.
- (4) Fishing gear onboard a vessel or in possession of any person that enters or is present in the GOCZ and who is not authorised to fish in terms of sub-regulation (1), must be stowed in accordance with regulation 7(2).

9. Suspension, amendment and cancellation of permits

- (1) Subject to sub-regulations (2) and (3), a permit issued under these regulations may at any time be suspended, cancelled or amended.
- (2) A permit issued in terms of these regulations may be suspended, cancelled or amended, if—
 - (a) the Minister is satisfied on the basis of information that was not considered when the permit was issued, that it is necessary or desirable to suspend, cancel or amend the permit to prevent deterioration or further deterioration of the environment within the Marine Protected Area;
 - (b) other similar permits held by other persons have also been reviewed and the suspension, cancellation or amendment does not unfairly discriminate against the holder in relation to other holders of similar permits;
 - (c) the permit-holder is in breach of a condition contained in the permit;
 - (d) the permit-holder provided incorrect or false information in the application for the permit;
 - (e) the holder of a permit has been convicted of an offence in terms of the Act, the National Environmental Management Act or a specific environmental management Act or any regulations issued thereunder; or
 - (f) the reason for the issuing of the permit no longer exists.

- (3) A permit issued in terms of these regulations may be amended—
- (a) if an error needs to be corrected or rectified;
 - (b) at the request of the applicant;
 - (c) for the proper management and implementation of these regulations; or
 - (d) where the conditions or circumstances have changed since the original permit was issued.

10. Offences and penalties

In addition to any offence in terms of section 89 of the Act, any person who contravenes or fails to comply with—

- (a) regulations 3(1), 4, 5(1), 5(4) to 5(6), 6, 7, or 8;
- (b) a condition mentioned in a permit issued in terms of these regulations; or
- (c) a prohibition, instruction, rule or order imposed, given or issued under these regulations;

is guilty of an offence and liable in the case of a first conviction to a fine not exceeding R5 million or to imprisonment for a period not exceeding five years and in the case of a second or subsequent conviction to a fine not exceeding R10 million or imprisonment for a period not exceeding 10 years or in both instances to both a fine and such imprisonment.

11. Short title and commencement

These regulations are called the Amathole Offshore Marine Protected Area Regulations and commence upon date of publication in the *Gazette*.

Annexure 1

(Numbers in brackets are indicated on the map)

Kei Offshore Restricted Zone (KORZ) comprises the entire Kei Offshore Area of the proposed Amathole Offshore Marine Protected Area. The KORZ is bounded by a series of straight lines sequentially joining the following five coordinates with the line linking the first and the last coordinates lying adjacent to the existing Amathole Kei area of the existing coastal Amathole Marine Protected Area : (A) 32° 42.840' S, 28° 25.260' E; (B) 32° 43' S, 28° 46'E; (C) 33° 0' S, 28° 46' E; (D) 33° 0' S, 28° 11'E; (E) 32° 50.717' S, 28° 11.154'E; (F) 32° 49.464' S, 28° 12.9'E;

Gxulu Offshore Restricted Zone (GORZ) is bounded by a series of straight lines sequentially joining the following eight coordinates with the line linking the first and last coordinates lying adjacent to the existing Amathole Gxulu area of the existing coastal Amathole Marine Protected Area: (A) 33° 9.513' S, 27° 45.913' E; (B) 33° 45' S, 27° 46' E; (C) 33° 45' S, 27° 11' E; (D) 33° 35' S, 27° 11'E; (F) 33° 35' S, 27° 30' E; (G) 33° 30' S, 27° 30'E; (H) 33° 30' S, 27° 40' E; (E) 33° 14.018' S, 27° 40.422' E; and

Gxulu Offshore Controlled Zone (GOCZ) is bounded by a series of straight lines sequentially joining the following five coordinates with the last line linking the last co-ordinate to the first: (D) 33° 35' S, 27° 11' E; (E) 33° 14.018' S, 27° 40.422' E; (H) 33° 30' S, 27° 40' E; (G) 33° 30' S, 27° 30'E; (F) 33° 35' S, 27° 30' E.

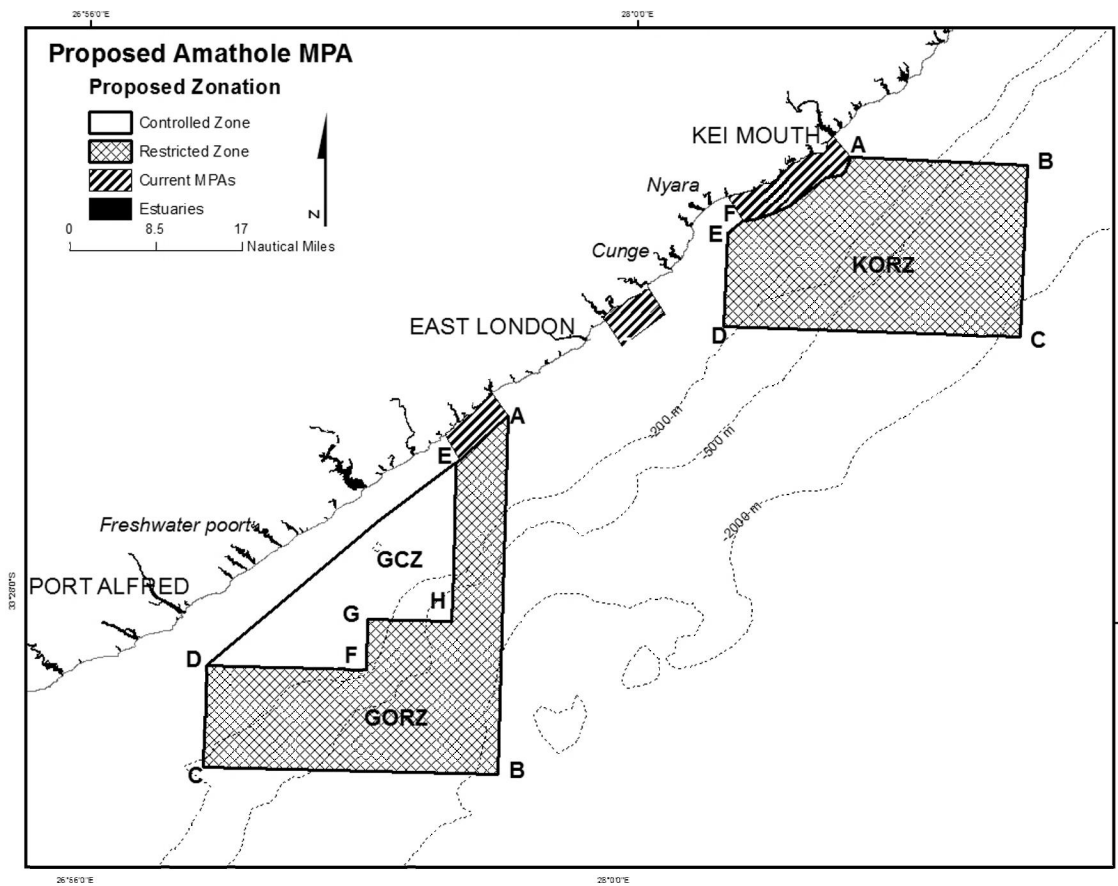


Fig. 1. The proposed zonation for the Amathole Offshore Marine Protected Area.

Table 1: Table of co-ordinates for the Amathole Offshore Marine Protected Area

Proposed MPA	Corner name	Latitude South		Longitude East	
		Degrees	Minutes	Degrees	Minutes
Amathole offshore Kei area	A	32	42.892	28	25.244
	B	32	43.000	28	46.000
	C	33	0.000	28	46.000
	D	33	0.000	28	11.000
	E	32	50.717	28	11.154
	F	32	49.464	28	12.900
Amathole offshore Gxulu area	A	33	9.513	27	45.913
	B	33	45.000	27	46.000
	C	33	45.000	27	11.000
	D	33	35.000	27	11.000
	E	33	14.018	27	40.422
	F	33	36.000	27	30.000
	G	33	30.000	27	30.000
	H	33	31.000	27	41.000

Annexure 2

Pelagic fish species list for the Controlled-Pelagic Zone

(Note: This is a list of game and bait fish species that MAY be caught in the Controlled-Pelagic Zone inside the GOCZ of the Amathole Offshore Marine Protected Area. Family names are given as all species in these families may be caught.)

Pelagic gamefish species:

Carangidae – kingfish, garrick, yellowtail, queenfish, etc.

Coryphaenidae – Dorado/dolphin fish

Istiophoridae – Sailfish and marlin

Pomatomidae – Shad/elf

Rachycentridae – Prodigal son/Cobia

Scombridae – Tunas, mackerels, wahoo, etc.

Sphyraenidae – Barracudas

Xiphiidae – Swordfish/broadbill

Pelagic baitfish species (includes carangids and scombrids as indicated above):

Atherinidae – silversides

Belonidae – garfish

Chirocentridae – wolf herring/slimy

Clupeidae – red-eyes, sardines, etc.

Engraulidae – anchovies, glass-noses/bonies, etc.

Exocoetidae - flyingfishes

Hemiramphidae – halfbeaks

Scomberesocidae - sauries

DEPARTMENT OF ENVIRONMENTAL AFFAIRS

NO. R. 114

03 FEBRUARY 2016

NATIONAL ENVIRONMENTAL MANAGEMENT: PROTECTED AREAS ACT, 2003 (ACT NO. 57 OF 2003)**DRAFT REGULATIONS FOR THE MANAGEMENT OF THE ADDO ELEPHANT MARINE PROTECTED AREA**

I, Bomo Edith Edna Molewa, Minister of Environmental Affairs, hereby publish for public comment, the draft Regulations for the Management of the Addo Elephant Marine Protected Area in terms of sections 48A(2) and 86(1)(a), (b), (c) and (d) of the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003), as set out in the Schedule hereto.

Any person who wishes to submit representations or comments in connection with the draft regulations are invited to do so within 90 days from the date of publication in the *Government Gazette* and by no later than 16h00 on the last day. Comments received after this time may not be considered. All representations and comments must be submitted in writing to the Deputy Director-General of the Department of Environmental Affairs, Branch Oceans and Coasts:

By post to: The Deputy Director-General
Environmental Affairs: Oceans and Coasts
Attention: Xola Mkefe
P. O. Box 52126, V and A Waterfront, Cape Town, 8002

Hand deliver to: East Pier Building 2, East Pier Road, V and A Waterfront, Cape Town

By e-mail to: MPARegs@environment.gov.za

Enquiries: Xola Mkefe 021 819 2644



BOMO EDITH EDNA MOLEWA
MINISTER OF ENVIRONMENTAL AFFAIRS

Schedule

1. Definitions

In these Regulations, unless the context indicates otherwise, a word or expression that is defined in the Act bears the same meaning in these Regulations, and in addition-

“**Act**” means the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003);

“**ABZSA**” means the Algoa Bay Zone for Sustainable Aquaculture;

“**authorised official**” means -

- (a) any person appointed as a fishery control officer in terms of the Marine Living Resources Act;
- (b) an environmental management inspector appointed in terms of the National Environmental Management Act; and
- (c) all peace officers as defined in the Criminal Procedure Act.

“**BIORZ**” means the Bird Island Inshore and Off-shore Restricted Zone;

“**certificate of competence**” means a certificate of competence as defined in the National Small Vessel Safety Regulations, 2007;

“**certificate of fitness**” means a certificate of fitness as defined in the National Small Vessel Safety Regulations, 2007;

“**Controlled Zone**” means an area within a Marine Protected Area where fishing or any other activity in terms of section 48A(1) of the Act may take place if authorised in terms of these regulations as contemplated in terms of section 48A(2), and includes the CRIOCZ, SIOCZ, CPICZ, SICZ and ECZ;

“**CRIOCZ**” means the Cannon Rocks Inshore and Off-shore Controlled Zone;

“**CPICZ**” means Cape Padrone Inshore Controlled Zone;

“**demarcation buoy**” means a buoy installed to mark the boundaries of or the zones within the Marine Protected Area;

“**demarcation marker**” means a marker installed to mark the boundaries of or the zones within the Marine Protected Area;

“**dive or diving**” means to swim below the surface of the water, or to enter the water with the aid of, or use of prohibited gear;

“**environmental management inspector**” has the meaning assigned to it in the National Environmental Management Act;

“**ECZ**” means the Sunday’s River Estuary Controlled Zone;

“**EMRZ**” means the Sunday’s River Estuary Mouth Restricted Zone;

“**environment**” has the meaning assigned to it in section 1 of the National Environmental Management Act;

“**ERZ**” means the Sunday’s River Estuary Restricted Zone;

“**fish**” means any aquatic plant or animal whether piscine or not, and any mollusc, crustacean, coral, sponge, holothurian or other echinoderm, reptile and includes their eggs, larvae and all juvenile stages, but does not include sea birds, seals or any marine mammal;

“**fishing**” or to “**fish**” means—

- (a) searching for, catching, taking or harvesting fish or an attempt to any such activity;
- (b) engaging in any other activity which can reasonably be expected to result in the locating, catching, taking or harvesting of fish;
- (c) placing, searching for or recovering any fish aggregating device or associated gear, including radio beacons;
- (d) any operation in support or in preparation of any activity described in this definition; or
- (e) the use of an aircraft in relation to any activity described in this definition;

“**high-water mark**” has the meaning assigned to it in the Integrated Coastal Management Act;

“**hovercraft**” means a craft that floats on a cushion of air and is capable of traversing water;

“**Integrated Coastal Management Act**” means the National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008);

“**islands**” means the St Croix Island group, including St Croix, Jahleel and Brenton islands; and the Bird Island group including Bird, Seal, Stag and Black Rocks islands forming part of the Addo Elephant National Park as defined in *Government Gazette* No. 36295 of 27 March 2013;

“**jet propelled vessel**” means a vessel that uses a mechanical inboard motor powering a water jet pump as its primary source of propulsion, and is intended to carry persons sitting within the confines of its hull;

“**management authority**” means South African National Parks who is hereby formally designated as the management authority of the Marine Protected Area in terms of section 38(1)(aB) of the Act;

“**Marine Living Resources Act**” means the Marine Living Resources Act, 1998 (Act No. 18 of 1998);

“**Marine Protected Area**” means the Addo Elephant Marine Protected Area as declared by the Minister in terms of section 22A of the Act;

“**Marine Traffic Act**” means the Marine Traffic Act, 1981 (Act No. 2 of 1981);

“National Ports Authority of South Africa” shall have the meaning assigned to it in the National Ports Act, 2005 (Act No. 12 of 2005);

“National Small Vessel Safety Regulations” means the Merchant Shipping (National Small Vessel Safety) Regulations, 2007, published in terms of section 356 of the Merchant Shipping Act, 1951 (Act No. 57 of 1951) and promulgated in Government Notice No. R. 705 of 8 August 2007;

“no-wake speed” means the speed that a vessel travels with its engine just in gear and moving at the slowest possible speed necessary to maintain steerage, without causing a wake or a wave in the water;

“no-wake zone” means that part of the Marine Protected Area that is zoned, where a vessel may only travel at “no-wake speed”;

“operate” in respect of a vessel, includes mooring in the water, drifting in the water and ascending or descending from its mooring, the shore, launch site, a buoy or a jetty;

“personal watercraft” means a vessel that uses an inboard motor powering a water jet pump as its primary source of propulsion, and is designed to be operated by a person or persons sitting, standing, or kneeling on rather than within the confines of a hull;

“port” shall have the meaning assigned to it in the Integrated Coastal Management Act;

“power-driven” means propelled by reciprocating or rotary machinery using chemicals, electricity or heat as an energy source, but does not include a water jet pump;

“prohibited gear” means goggles, diving masks, dive torches, snorkels, dive fins or flippers, wet suits or diving suits, artificial breathing apparatus, weight belts or weights, bags used for underwater collection of fish, shucking tools or any tool that could be used for the collection of fish;

“Restricted Zone” means an area within the Marine Protected Area where no fishing may take place, but where any other activity in terms of section 48A(1) of the Act may take place if authorised in terms of these regulations as contemplated in terms of section 48A(2), and includes the BIIORZ, SCORZ, SIRZ, EMRZ and ERZ;

“SCORZ” means the St. Croix Island Off shore Restricted Zone;

“SIOCZ” means the Sundays Inshore and Off shore Controlled Zone;

“spearfishing” means fishing with the use of a speargun;

“speargun” means a device by which a spear is projected by mechanical or pneumatic means;

“SICZ” means the Sundays Inshore Controlled Zone;

“SIRZ” means the Sundays Inshore Restricted Zone;

“the Manager” means the person appointed by the management authority to be the manager of the Addo Elephant Marine Protected Area;

“**vessel**” means a waterborne craft of any kind whether a surface craft or submarine, and whether self-propelled or not, and includes any moored floating structure that can be used as a means of transport by water, but does not include a personal watercraft, hovercraft or a jet-propelled vessel;

“**vessel providing living accommodation**” means any vessel including a “house boat” or a “caravan boat” or any other type of vessel equipped for overnight residence thereon;

“**water-ski**” means a person on dual skies, slalom ski, aqua boards, tube or any other device other than on another vessel, being towed by a vessel through, over or on the water;

“**water ski-zone**” means that part of the Marine Protected Area that is zoned for water skiing activities; and

“**WGS 84**” means the World Geodetic System of 1984 (G730), which is a geographic co-ordinate system.

2. Zonation within the Marine Protected Area

The Marine Protected Area consists of one (1) inshore and offshore Restricted Zone, one (1) offshore Restricted Zone, two (2) inshore and off shore Controlled Zones, one (1) inshore Restricted Zone, two (2) inshore Controlled Zones, two (2) Sunday’s River Estuary Restricted Zones and one (1) Sunday’s River Estuary Controlled Zone and one (1) Algoa Bay Zone for Sustainable Aquaculture, which are determined by using WGS 84 as detailed in Annexure 1 hereto as follows:

- (a) one (1) inshore and off shore Restricted Zone, indicated as BIIRZ;
- (b) one (1) off shore Restricted Zone, indicated as SCORZ;
- (c) two (2) inshore and off shore Controlled Zones, indicated as CRIOCZ and SIOCZ;
- (d) one (1) inshore Restricted Zone, indicated as SIRZ;
- (e) two (2) inshore Controlled Zones, indicated as CPICZ and SICZ;
- (f) two (2) Sunday’s River Estuary Restricted Zones, indicated as EMRZ and ERZ;
- (g) one (1) Sunday’s River Estuary Controlled Zone, indicated as ECZ; and
- (h) one (1) Algoa Bay Zone for Sustainable Aquaculture, indicated as ABZSA.

3. Scientific research permit

- (1) No person may undertake any scientific research within the Marine Protected Area, except on the authority of a scientific research permit issued by the Minister.
- (2) Application for a scientific research permit in terms of sub-regulation (1); must be made to the Minister in accordance with the provisions of section 83 of the Marine Living Resources Act or any regulations published under the Integrated Coastal Management Act.
- (3) No person may undertake any scientific research within the Marine Protected Area, without a scientific research permit issued by the management authority.
- (4) Application for a scientific research permit in terms of sub-regulation (3), must be made on an application form provided by the management authority.

4. General restrictions within the Marine Protected Area

- (1) No person or organ of state may fly over or cause an aircraft to fly over the Marine Protected Area at a level of less than 2500 feet above the water surface.
- (2) Sub-regulation (1) shall not apply -
 - (a) in the case of an emergency; or
 - (b) to a person acting on the written instructions of the management authority.
- (3) The management authority may in the management plan for the Marine Protected Area, an internal rule or Protected Area Notice, identify activities, except for those activities listed in section 48A(1) of the Act; which may be restricted, controlled, limited or prohibited and such areas must be indicated by demarcation buoys, demarcation markers or notice boards.
- (4) No person shall conduct or carry out any activity that is restricted, controlled, limited or prohibited in terms of sub-regulation (3).
- (5) No person shall except on the authority of the management authority, move, deface or otherwise interfere with any demarcation buoy, demarcation marker or notice-board within the Marine Protected Area.
- (6) No person shall moor, anchor or attach any vessel, to any demarcation buoy or demarcation marker within the Marine Protected Area.
- (7) No person shall within the Marine Protected Area be in possession of or have onboard a vessel, any fire-arm, air-gun, explosives or poison.
- (8) Sub-regulation (7) shall not apply to, an authorised officer, including an official of any organ of state while performing official duties within the Marine Protected Area.
- (9) For purposes of these Regulations, explosives or fire-arms do not include the following devices:
 - (a) a flare gun;
 - (b) an illuminating rocket flare;
 - (c) a Department of Transport approved projectile distress flare;
 - (d) a Department of Transport approved hand-held distress flare;
 - (e) a Department of Transport approved rocket parachute distress flare;
 - (f) a Department of Transport approved floating orange smoke distress marker; and
 - (g) a Department of Transport approved hand-held smoke distress marker.

- (10) The owner, skipper or operator of a vessel shall not enter or operate a vessel in the Marine Protected Area without a valid certificate of competence and certificate of fitness issued in respect of such vessel, and such original certificates must be available for inspection at all times.
- (11) A vessel shall not enter the Marine Protected Area unless the marking approved for that vessel in accordance with the provisions of the Merchant Shipping Act, 1951 (Act No. 57 of 1951), is displayed on the vessel at all times while the vessel is inside the Marine Protected Area.
- (12) The owner, skipper or operator of a vessel shall not enter or operate a vessel in the Marine Protected Area unless such vessel and any other equipment or contents of such vessel, comply with the safety and other requirements specified in the Merchant Shipping Act, 1951 (Act No. 57 of 1951) for such vessel.

5. Use of vessels

- (1) No person may use or attempt to use any personal watercraft, jet propelled vessel or hovercraft within the Marine Protected Area.
- (2) A motorized vessel may only launch from a launch site authorised in terms of the Management of Public Launch Site Regulations GNR 497 of 27 June 2014 published in terms of the Integrated Coastal Management Act.
- (3) Subject to sub-regulation (5) and (6), no person may moor or anchor any vessel in a Restricted Zone of the Marine Protected Area except—
 - (a) under conditions of *force majeure*; or
 - (b) for the use of a vessel by an employee of the Department or any other organ of state acting in the course and scope of their employment or mandate.
- (4) Subject to sub-regulation (5) and (6), no person may moor or anchor any vessel over 500 tons in a Controlled Zone of the Marine Protected Area.
- (5) Sub-regulations (3) and (4) shall not apply to a vessel moored or anchored in a recognized and approved mooring or anchoring site in terms of the Marine Traffic Act, for a vessel that is waiting to berth in a port, and authorization has been granted by the National Ports Authority of South Africa for such vessel to moor and anchor at such site.
- (6) Despite sub-regulation (3) or (4), the management authority may on application and on such conditions as it may deem appropriate, authorise the anchoring or mooring of a vessel in the following circumstances—
 - (a) in an emergency; or
 - (b) where the management authority may deem it to be necessary in order to ensure the proper management of the Marine Protected Area.

- (7) The management authority may verbally authorise a vessel to moor or anchor within the Marine Protected Area as contemplated in sub-regulation (6), which verbal authorisation must be confirmed in writing within 3 working days.
- (8) No person shall water ski or operate, use, attempt to use or operate a vessel or occupy the driver's seat of such vessel, within the Marine Protected Area, while his or her blood contains more than 0.05 grams of alcohol per 100 millilitres of blood or while under the influence of illegal narcotic substances.
- (9) No person shall fish or attempt to fish or operate a vessel closer than three hundred (300) meters to any African Penguin or Cape Gannet while they are feeding out at sea.

6. Restriction of activities

No person may undertake any activity in the Marine Protected Area, listed in section 48A(1) of the Act, unless specifically authorised in terms of these regulations.

7. Control of activities in Restricted Zones

- (1) No person shall fish, or attempt to fish, in a Restricted Zone of the Marine Protected Area.
- (2) Fishing gear onboard a vessel or in possession of any person that enters or is present in a Restricted Zone must be stowed in accordance with sub-regulation (3).
- (3) Fishing gear shall be stowed in the following manner -
 - (a) In the case of line fishing –
 - (i) from a vessel, all hooks, lures, and weights are disconnected from the line, all the line is reeled onto the reel or rolled up, and that rolled up line, hooks, lures, bait and weights on the vessel are placed away in the cabin, wheel house or console of the vessel.
 - (ii) from the shore, all hooks, lures, and weights are disconnected from the line, all the line is reeled onto the reel or rolled up, and that rolled up line, hooks, lures, bait and weights are placed away in a bag or container.
 - (b) in the case of purse-seine fishing—
 - (i) the boom shall be lowered as far as possible so that the vessel cannot be used for fishing but so that the skiff is accessible for use in emergency situations;
 - (ii) the aircraft, if any, shall be tied down; and
 - (iii) launches shall be secured;
 - (c) in the case of a trawl fishing, all nets, trawl boards and weights shall be disconnected from their towing or hauling wires, ropes or rigid frames and either

stowed below deck or securely lashed to some part of the superstructure of the fishing vessel;

- (d) in the case of rock lobster fishing—
 - (i) all traps shall be on board and tied down; and
 - (ii) all dinghies shall be on board and securely lashed to some part of the superstructure of the fishing vessel;
 - (e) in the case of fishing with traps other than rock lobster traps, all traps shall be on board and tied down; and
 - (f) in the case of longline fishing, all gear shall be covered and the cover secured;
- (4) No person shall undertake spearfishing or attempt to undertake spearfishing or be in possession of a speargun in a Restricted Zone.
- (5) Subject to sub-regulation (7), no person shall engage in diving, in the BIIRZ and SIRZ .
- (6) Subject to sub-regulation (7), no person shall be in possession of or have onboard any vessel, prohibited gear in the BIIRZ and SIRZ.
- (7) Any person who undertakes –
- (a) scientific research and monitoring;
 - (b) white shark-cage diving;
 - (c) salvage operations;
 - (d) maintenance of legal underwater infrastructure;
 - (e) underwater photography; or
 - (f) any other activity authorized in terms of legislation,
- must apply to the management authority for a permit to engage in diving or be in possession of prohibited gear in the BIIRZ and SIRZ.
- (8) No person shall operate a vessel above a no-wake speed inside the ERZ.
- (9) No person shall water-ski inside the EMRZ and ERZ.
- (10) No person or vessel shall enter, attempt to enter or be present in the SIRZ, without a permit from the management authority.
- (11) No person shall, allow any dog, cat or any other domesticated animal or pet belonging to, or under the care or control of such person, to enter or remain in the SIRZ and ERZ, without a permit from the management authority

- (12) No person shall, allow any dog, cat, pet or any other domesticated animal belonging to, or under the care or control of such person, to enter or remain in the EMRZ unless such dog is on a leash, cat, pet or any other domesticated animal is under such person's physical control.

8 SCUBA diving

- (1) No person may –
- (a) SCUBA dive or attempt to SCUBA dive in the Marine Protected Area except in the CRIOCZ and SIOCZ and only with a permit; or
 - (b) operate or attempt to operate a SCUBA diving business in the Marine Protected Area except in the SCORZ, CRIOCZ, and SIOCZ and only with a permit.
- (2) Application for a permit referred to in sub-regulation (1) must be made to the management authority, which permit may be issued subject to conditions.
- (3) Any vessel that has deployed divers in the SCORZ, CRIOCZ, and SIOCZ must display an alpha flag.

9. Control of activities in Controlled Zones

- (1) No person shall in any Controlled Zone, fish or attempt to fish, from a vessel or the shore unless they are in possession of a valid fishing permit issued in terms of the Marine Living Resources Act and such permit authorises fishing within a Controlled Zone of the Marine Protected Area.
- (2) No person shall fish, or attempt to fish, from a vessel in the SICZ and CPICZ
- (3) Subject to sub-regulation (5), no person shall engage in diving, in the SICZ and CPICZ.
- (4) Subject to sub-regulation (5), no person shall be in possession of or have onboard any vessel, prohibited gear in the CPICZ.
- (5) Any person who undertakes –
- (a) scientific research and monitoring;
 - (b) white shark-cage diving;
 - (c) salvage operations;
 - (d) maintenance of legal underwater infrastructure;
 - (e) underwater photography; or
 - (f) any other activity authorized in terms of legislation;

must apply to the management authority for a permit to engage in diving or be in possession of prohibited gear in the CPICZ.

- (6) No person shall undertake spearfishing or attempt to undertake spearfishing or be in possession of a speargun in the CPICZ, SICZ, SIOCZ and CRIOCZ.
- (7) No person shall, allow any dog, cat, pet or any other domesticated animal belonging to, or under the care or control of such person, to enter or remain in the CRIOCZ, SIOCZ and SICZ, unless such dog is on a leash, cat, pet or any other domesticated animal is under such person's physical control.
- (8) No person shall allow any dog, cat or any other domesticated animal or pet belonging to, or under the care or control of such person, to enter or remain in the CPICZ, without a permit from the management authority.
- (9) No person shall fish from a bridge over the ECZ.
- (10) No person shall leave a fishing line unattended in or near a navigation channel in the ECZ.

10. Control of aquaculture activities in the SIOCZ

- (1) The Minister may authorize marine aquaculture activities within a portion of the SIOCZ, named the ABZSA and no person may undertake any marine aquaculture activity within the ABZSA without a permit issued by the Minister.
- (2) Application for a permit referred to in sub-regulation (1) must be made to the Minister, which permit may be issued subject to conditions.
- (3) Marine aquaculture within the Marine Protected Area may only be authorised within the ABZSA and, the maximum size of marine aquaculture activities, shall not exceed 10 square kilometers (1000 Ha) cumulatively, and no part of any marine aquaculture activity shall be located in a water depth shallower than 25m.
- (4) All marine aquaculture activities within the ABZSA shall be aligned with international best practice for such activities.
- (5) The Minister may authorise in any permit issued in terms of sub-regulation (1), any activities which have been prohibited or restricted in terms of regulations 4, 5 or 6 of these regulations, where such activities are necessary for the proper conduct or management of marine aquaculture activities or of the ABZSA.

Control of vessels and other activities in the Sunday's River Estuary Zones

11. Registration permits for vessels

- (1) No person shall in the Sunday's River Estuary Zones of the Marine Protected Area operate -
 - (a) a power-driven vessel,

- (b) a sailing vessel; or
- (c) any other vessel with an overall length of 4 meters or more, excluding sailboards, canoes and paddle-ski's;

without a vessel registration permit issued by the management authority and shall display the identification number allocated by the management authority on such vessel.

(2) No vessel registration permit may be issued for-

- (a) a vessel providing living accommodation;
- (b) any vessel used for commercial purposes; or
- (c) a vessel exceeding six point six (6.6) meters in overall length;

in the Sunday's River Estuary Zones, unless a vessel accommodation permit has been issued in terms of sub-regulation (3).

- (3) No person shall operate or keep any vessel providing living accommodation, any vessel used for commercial purposes, or a vessel exceeding six point six (6.6) meters in overall length in the Sunday's River Estuary Zones, without a vessel accommodation permit issued by the management authority.
- (4) Application for a vessel registration permit or vessel accommodation permit shall be made on an application form provided by the management authority and subject to a fee if determined by the management authority.
- (5) A vessel registration permit or vessel accommodation permit may be issued subject to conditions.
- (6) The management authority may limit the number of vessel registration permits issued per person.
- (7) The management authority may limit the total number of vessel registration permits issued in the Sunday's River Estuary Zones.
- (8) The fee payable in respect of such registration permit shall be as determined by the management authority from time to time.

12. Rules of travel

- (1) The skipper of a power-driven vessel shall adhere to a general safety rule of "keep right" while under way.
- (2) The skipper of a power-driven vessel shall keep out of the way of, and give right of way to a sailing vessel and any vessel propelled by oars or paddles.
- (3) When two sailing vessels approach each other they shall operate as follows:

- (a) a vessel that is running free shall keep out of the way of a vessel that is close-hauled;
 - (b) a vessel that is close-hauled on the port tack shall keep out of the way of a vessel that is close-hauled on a starboard tack;
 - (c) when both vessels are running free, with the wind on the same side, the vessel that is to windward shall keep out of the way of the vessel that is to leeward; and
 - (d) sailing vessels and sail-vessels shall not alter course immediately in front of any other vessel.
- (4) The skipper of a power-driven vessel shall maintain a direct course when passing a sailing vessel.
 - (5) When two power-driven vessels are approaching head on, the operator of each vessel shall alter course to starboard (right) so that each vessel shall pass on the port (left) side of the other.
 - (6) The skipper of a vessel overtaking another vessel shall overtake the vessel on the port (left) side and shall keep the vessel out of the way of the vessel being overtaken.
 - (7) The skipper of a vessel approaching a jetty or slipway shall give right of way to any departing vessel.
 - (8) The skipper of a vessel shall not change course without first determining that it is safe to do so without risk of collision with another vessel or person in the water.

13. Operation of vessels

- (1) The owner of a power-driven vessel shall not allow any person under the age of sixteen (16) years of age to operate or control such vessel.
- (2) No person shall operate a vessel, unless his or her vision both ahead and astern is not obstructed either by passengers or any other object.
- (3) No person shall operate a power-driven vessel in the Sunday's River Estuary Zones above a no-wake speed, when:
 - (a) operating a vessel in a no-wake zone;
 - (b) passing closer than ten (10) meters from a person in the water;
 - (c) passing closer than ten (10) meters to any stationary or moving vessel, jetty, mooring or slipway;
 - (d) closer than ten (10) meters to the boundary of a swimming or bathing area;
 - (e) closer than ten (10) meters from the shore; or
 - (f) operating a vessel after sunset and before sunrise.

- (4) After sunset and before sunrise-
 - (a) no person shall operate a vessel in the Sunday's River Estuary Zones without a forward facing red port light, forward facing green starboard light and white navigation light, being switched on;
 - (b) no person shall anchor a vessel in the Sunday's River Estuary Zones without at least having a single white light switched on and which is visible for 360 degrees.
- (5) The skipper and owner of a vessel shall ensure, that children under five (5) years of age and anyone on the vessel who cannot swim wear a life jacket at all times while onboard such vessel.
- (6) No person shall arrange, organize, or participate in any rowing or yachting race or regattas unless such race or regatta has been authorized by the management authority in writing.
- (7) The skipper of a vessel shall not leave or enter the Sunday's river mouth without the occupants of the vessel wearing the suitable life jackets bearing the mark of the South African Bureau of Standards.

14. Water-skiing

- (1) No person shall water-ski after sunset and before sunrise.
- (2) No vessel towing a water skier shall pass closer than 10 meters to-
 - (a) any other vessel which is stationary or moving; or
 - (b) a jetty or slipway except when dropping off a water-skier.
- (3) The skipper of a vessel shall not follow closer than one hundred (100) meters in the wake of another vessel towing a water-skier.
- (4) No person shall use a metal cable or steel wire to tow a water-skier behind a vessel.
- (5) No water-skier shall drop or kick out a water ski, unless it is safe to do so and it does not constitute a danger to any other vessel or person.
- (6) If a water-skier falls into the water, the skipper of the vessel shall raise a red flag 300 mm x 300 mm until the water skier boards the vessel, or continues to water ski.
- (7) No person shall pull a water-ski rope behind a vessel when such vessel is not being used for water skiing activities.
- (8) The skipper of the vessel shall not allow any person to water-ski unless such person is wearing suitable personal buoyancy.
- (9) The skipper of a vessel shall not allow any person to water-ski outside the demarcated water-ski zone.

15. Suspension, amendment and cancellation of permits

- (1) Subject to sub-regulation (2) or (3), a permit issued under these regulations may at any time be suspended, cancelled or amended.
- (2) A permit issued in terms of these regulations may be suspended, cancelled or amended, if—
 - (a) the management authority is satisfied on the basis of information that was not considered when the permit was issued, that it is necessary or desirable to suspend, cancel or amend the permit to prevent deterioration or further deterioration of the environment within the Marine Protected Area;
 - (b) other similar permits held by other persons have also been reviewed and the suspension, cancellation or amendment does not unfairly discriminate against the holder in relation to other holders of similar permits;
 - (c) the permit holder is in breach of a condition contained in the permit;
 - (d) the permit holder provided incorrect or false information in the application for the permit;
 - (e) the holder of a permit has been convicted of an offence in terms of the Act, the National Environmental Management Act or a specific environmental management act or any regulations issued thereunder; or
 - (f) the reason for the issuing of the permit no longer exists.
- (3) A permit issued in terms of these regulations may be amended—
 - (a) if an error needs to be corrected or rectified;
 - (b) at the request of the applicant;
 - (c) for the proper management and implementation of these regulations; or
 - (d) where the conditions or circumstances have changed since the original permit was issued.

16. Offences and penalties

- (1) In addition to any offence in terms of section 89 of the Act, any person who contravenes or fails to comply with—
 - (a) regulations 3(1), 3(3), 4(1), 4(4) to 4(7), 4(10) to 4(12), 5(1) to 5(4), 5(8), 5(9), 6, 7, 8(1), 8(4), 9, 10(1), 10(4), 11(1) to 11(3), 12, 13 or 14;
 - (b) a condition mentioned in a permit issued in terms of these regulations; or

- (c) a prohibition, instruction, rule or order imposed, given or issued under these regulations;

is guilty of an offence and liable in the case of a first conviction to a fine not exceeding R5 million or to imprisonment for a period not exceeding five years and in the case of a second or subsequent conviction to a fine not exceeding R10 million or imprisonment for a period not exceeding 10 years or in both instances to both a fine and such imprisonment.

17. Short title and commencement

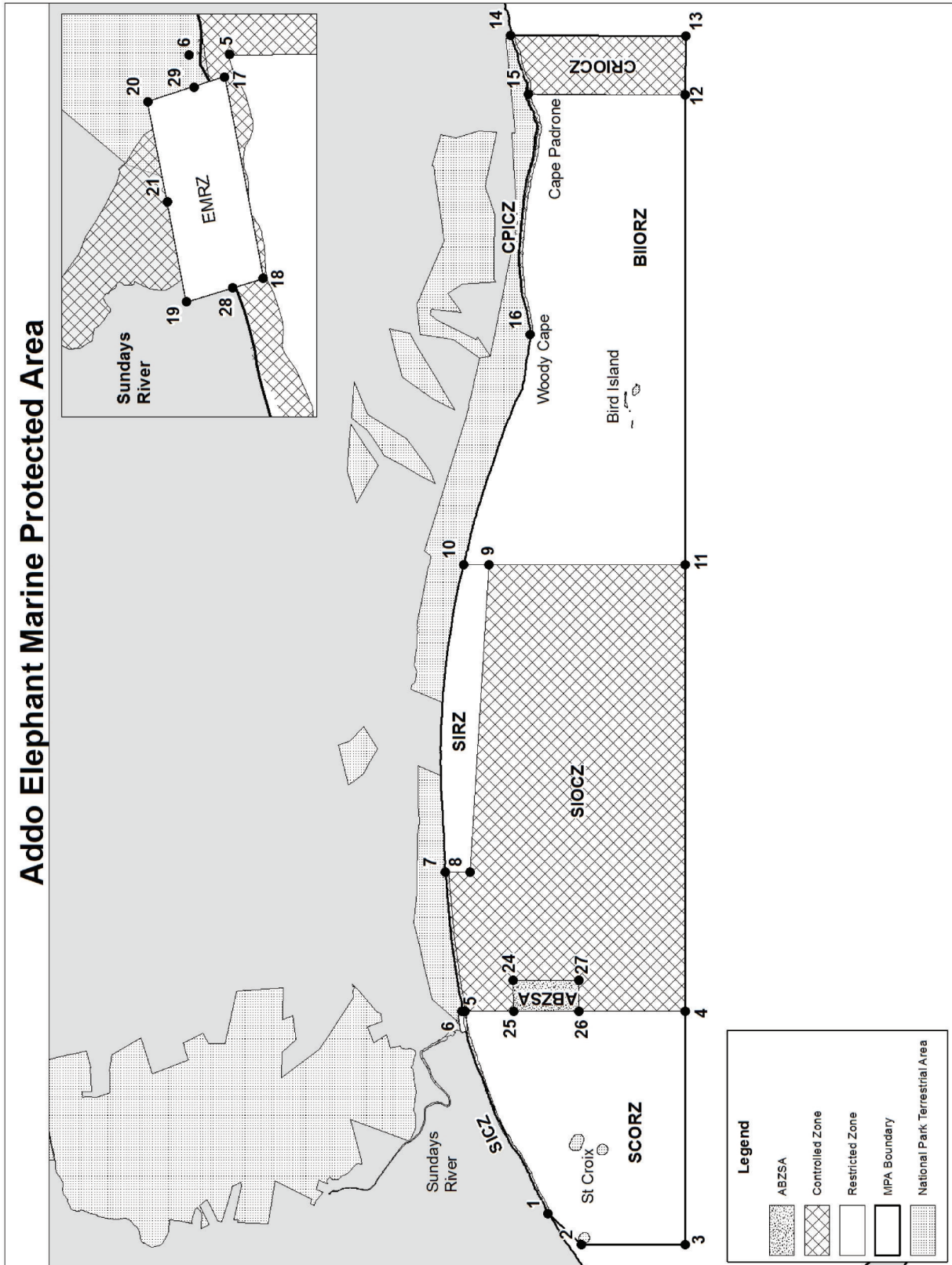
These regulations are called the Addo Elephant Marine Protected Area Regulations and commence upon date of publication in the *Gazette*.

Annexure 1

(Numbers in brackets are indicated on the map)

- (1) **St. Croix Island Off shore Restricted Zone (SCORZ)** is defined, as the northern / landward boundary, is 200 m seawards from the high water mark on and along the shore line from point (1) 33°46.792'S; 025°43.273'E to point (5) 33°43.325'S; 025°51.607'E, as the eastern boundary a straight line between the point (5) 33°43.325'S; 025°51.607'E and (4) 33°52.500'S; 025°51.607'E, the southern boundary a straight line between the points (4) 33°52.500'S; 025°51.607'E and (3) 33°52.500'S; 025°42.000'E and the western boundary a straight line from the points (3) 33°52.500'S; 025°42.000'E to (2) 33°48.167'S; 025°42.000'E and then to the point (1) 33°46.792'S; 025°43.273'E.
- (2) **Bird Island inshore and Off shore Restricted Zone (BIORZ)** is defined, as the northern / landward boundary, the high-water mark from point (10) 33°43.257'S; 026°09.1636'E to point (16) 33°46.037'S; 026°19.458'E the rest of the northern / landward boundary is 200 m seawards from the high water mark on and along the shore line from point (16) 33°46.037'S; 026°19.458'E to point (15) 33°45.951'S; 026°29.350'E, as the eastern boundary a straight line between the point (15) 33°45.951'S; 026°29.350'E and (12) 33°52.500'S; 026°29.350'E, the southern boundary a straight line between the points (12) 33°52.500'S; 026°29.350'E and (11) 33°52.500'S; 026°10.000'E and the western boundary a straight line between the points (11) 33°52.500'S; 026°10.000'E and (10) 33°43.257'S; 026°09.1636'E.
- (3) **Sundays inshore and Off shore Controlled Zone (SIOCZ)** is defined, as the northern / landward boundary, the high-water mark from point (6) 33°43.188'S; 025°51.607'E to point (7) 33°42.491'S; 025°57.350'E, the rest of the northern / landward boundary, is the southern boundary of the SIRZ that is a straight line between the points (8) 33°43.541'S; 025°57.350'E and (9) 33°44.328'S; 026°10.000'E, as the eastern boundary a straight line between the points (9) 33°44.328'S; 026°10.000'E and (11) 33°52.500'S; 026°10.000'E, the southern boundary a straight line between the points (11) 33°52.500'S; 026°10.000'E and (4) 33°52.500'S; 025°51.607'E and the western boundary a straight line between the points (4) 33°52.500'S; 025°51.607'E and (6) 33°43.188'S; 025°51.607'E.
- (4) **Cannon Rocks inshore and Off shore Controlled Zone (CRIOCZ)** is defined, as the northern / landward boundary, the high-water mark along the shoreline between points (15) 33°45.951'S; 026°29.350'E and (14) 33°45.202'S; 026°31.772'E. The eastern boundary a straight line between the point (14) 33°45.202'S; 026°31.772'E and (13) 33°52.500'S; 026°31.772'E, the southern boundary a straight line between the points (13) 33°52.500'S; 026°31.772'E and (12) 33°52.500'S; 026°29.350'E and the western boundary a straight line between the points (12) 33°52.500'S; 026°29.350'E and (15) 33°45.951'S; 026°29.350'E.
- (5) **Sundays inshore Controlled Zone (SICZ)** includes the shore line between Hougam Park in the West, from point (1) 33°46.792'S; 025°43.273'E, to point (28) 33°43.336'S; 025°50.810'E west of the Sundays river mouth, and the shore line from point (29) 33°43.204'S; 025°51.497'E east of the Sundays river mouth to a point (6) 33°43.188'S; 025°51.607'E and a distance of 200m seawards of the high water mark, but excludes the shore line and seawater between point (28) 33°43.336'S; 025°50.810'E that is west of the Sundays river mouth and point (29) 33°43.204'S; 025°51.497'E that is east of the Sundays river mouth, that is part of the EMRZ.

- (6) **Sundays inshore Restricted Zone (SIRZ)** is defined, as the northern / landward boundary, the high-water mark between points (7) 33°42.491'S; 025°57.35'E to (10) 33°43.257'S; 026°09.1636'E. The eastern boundary a straight line between the point (10) 33°43.257'S; 026°09.1636'E and (9) 33°44.328'S; 026°10.000'E, the southern boundary a straight line between the points (9) 33°44.328'S; 026°10.000'E and (8) 33°43.541'S; 025°57.350'E, and the western boundary a straight line between the points (8) 33°43.541'S; 025°57.350'E and (7) 33°42.491'S; 025°57.35'E.
- (7) **Sunday's River Estuary Mouth Restricted Zone (EMRZ)** is a rectangle surrounding the Sunday's River Estuary Mouth, with the northern boundary a straight line between the points (19) 33°43.179'S; 025°50.762'E and (20) 33°43.048'S; 025°51.447'E, the eastern boundary a straight line between the points (20) 33°43.048'S; 025°51.447'E and (17) 33°43.309'S; 025°51.530'E, the southern boundary a straight line between the points (17) 33°43.309'S; 025°51.530'E and (18) 33°43.441'S; 025°50.843'E and the western boundary a straight line between the points (18) 33°43.441'S; 025°50.843'E and (19) 33°43.179'S; 025°50.762'E.
- (8) **Cape Padrone inshore Controlled Zone (CPICZ)** includes the shore line, along the high water mark between Woody Cape in the West, from point (16) 33°46.037'S; 026°19.458'E, to the point (15) 33°45.951'S; 026°29.350'E east of Cape Padrone and a distance of 200m seawards of the high water mark.
- (9) **Sunday's River Estuary Controlled Zone (ECZ)** is defined, as that part of the Estuary up until the high water mark, from the northern boundary line of the EMRZ at point (21) 33°43.114'S; 025°51.105'E, upstream to the north western boundary of Ingleside town, at the Koppies, at point (22) 33°41.029'S; 025°46.248'E.
- (10) **Sunday's River Estuary Restricted Zone (ERZ)** is defined, as that part of the Estuary up until the high water mark, that starts at the north western boundary of Ingleside town, at the Koppies, at point (22) 33°41.029'S; 025°46.248'E and runs upstream to point (23) 33°37.665'S; 025°44.082'E where power lines are crossing the estuary.
- (11) **Algoa Bay Zone for Sustainable Aquaculture (ABZSA)** is a rectangle within the SIOCZ, with the northern boundary a straight line between points (25) 33°45.3383' S; 25°51.6075' E and (24) 33°45.3383' S; 25°52.88052' E, the eastern boundary a straight line between the points (24) 33°45.3383' S; 25°52.88052' E and (27) 33°48.07272' S; 25°52.88052' E, the southern boundary a straight line between the points (27) 33°48.07272' S; 25°52.88052' E, and (26) 33°48.0783' S; 25°51.6075' E, and the western boundary a straight line between the points (26) 33°48.0783' S; 25°51.6075' E, and (25) 33°45.3383' S; 25°51.6075' E.



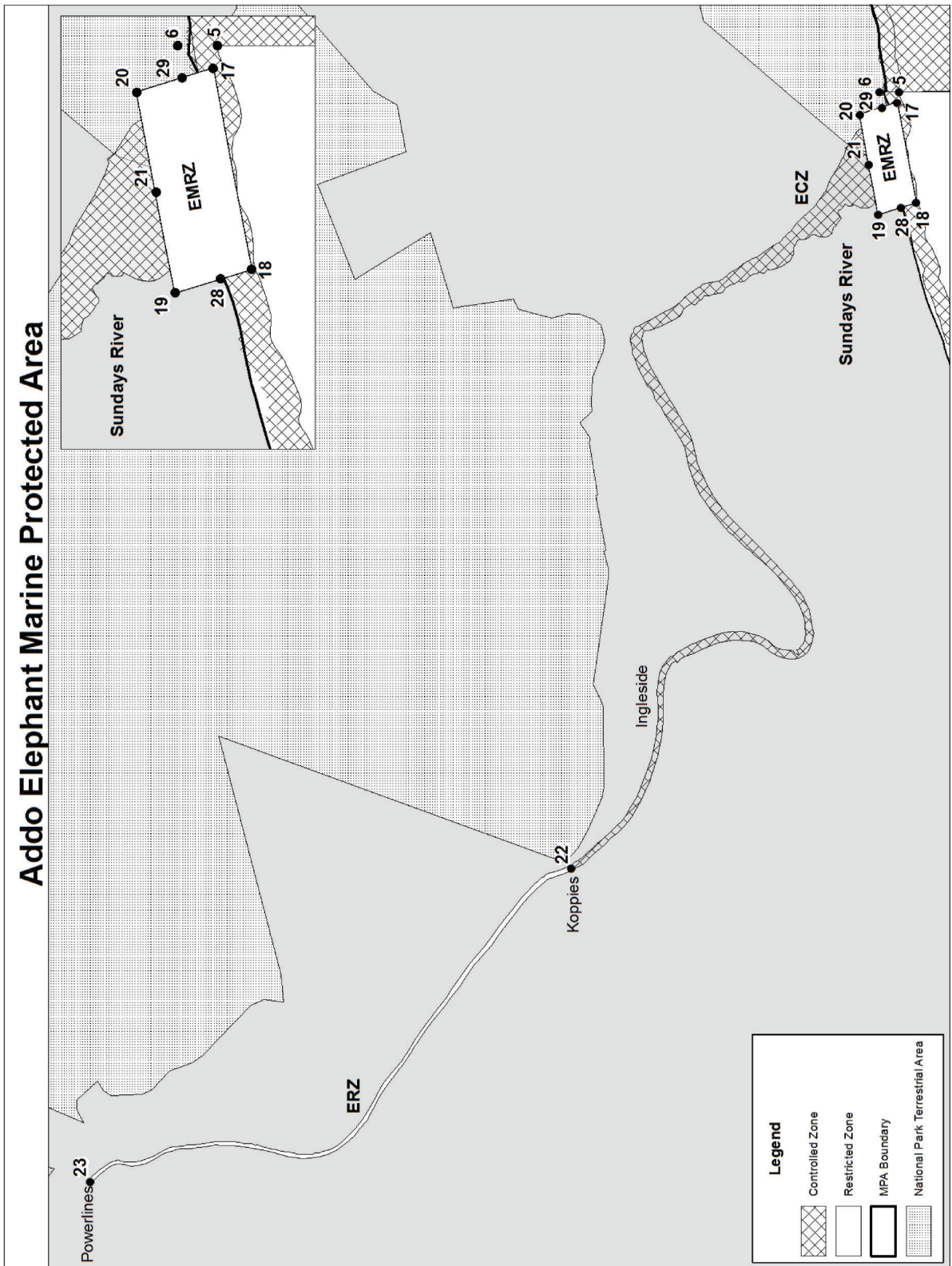


Table 1: Coordinates of points for the Addo Elephant Marine Protected Area

Point	Degrees Minutes Seconds		Decimal Degrees		Degrees Minutes	
	Latitude	Longitude	Latitude	Longitude	Latitude	Longitude
1	33°46' 47.52" S	25°43' 16.38" E	-33.77986667	25.72121667	33°46.792' S	25°43.273' E
2	33°48' 10.02" S	25°42' 0" E	-33.80278333	25.7	33°48.167' S	25°42.000' E
3	33°52' 30" S	25°42' 0" E	-33.875	25.7	33°52.500' S	25°42.000' E
4	33°52' 30" S	25°51' 36.45" E	-33.875	25.860125	33°52.500' S	25°51.607' E
5	33°43' 19.5" S	25°51' 36.45" E	-33.72208333	25.860125	33°43.325' S	25°51.607' E
6	33°43' 11.28" S	25°51' 36.42" E	-33.7198	25.8601667	33°43.188' S	25°51.607' E
7	33°42' 29.46" S	25°57' 21" E	-33.70818333	25.95583333	33°42.491' S	25°57.350' E
8	33°43' 32.46" S	25°57' 21" E	-33.72568333	25.95583333	33°43.541' S	25°57.350' E
9	33°44' 19.68" S	26°10' 0" E	-33.7388	26.16666667	33°44.328' S	26°10.000' E
10	33°43' 15.42" S	26°9' 9.82" E	-33.72095	26.15272778	33°43.257' S	26°09.1636' E
11	33°52' 30" S	26°10' 0" E	-33.875	26.16666667	33°52.500' S	26°10.000' E
12	33°52' 30" S	26°29' 21" E	-33.875	26.48916667	33°52.500' S	26°29.350' E
13	33°52' 30" S	26°31' 46.32" E	-33.875	26.52953333	33°52.500' S	26°31.772' E
14	33°45' 12.12" S	26°31' 46.32" E	-33.75336667	26.52953333	33°45.202' S	26°31.772' E
15	33°45' 57.06" S	26°29' 21" E	-33.76585	26.48916667	33°45.951' S	26°29.350' E
16	33°46' 2.219999" S	26°19' 27.48" E	-33.76728333	26.3243	33°46.037' S	26°19.458' E
17	33°43' 18.54" S	25°51' 31.8" E	-33.72181667	25.85883333	33°43.309' S	25°51.530' E
18	33°43' 26.46" S	25°50' 50.58" E	-33.72401667	25.84738333	33°43.441' S	25°50.843' E
19	33°43' 10.74" S	25°50' 45.72" E	-33.71965	25.84603333	33°43.179' S	25°50.762' E
20	33°43' 2.88" S	25°51' 26.82" E	-33.71746667	25.85745	33°43.048' S	25°51.447' E
21	33°43' 6.84" S	25°51' 6.3" E	-33.71856667	25.85175	33°43.114' S	25°51.105' E
22	33°41' 1.74" S	25°46' 14.88" E	-33.68381667	25.7708	33°41.029' S	25°46.248' E
23	33°37' 39.9" S	25°44' 4.92" E	-33.62775	25.7347	33°37.665' S	25°44.082' E
24	33°45' 20.3" S	25°52' 52.8312" E	-33.75563889	25.881342	33°45.33833' S	25°52.88052' E
25	33°45' 20.3" S	25°51' 36.45" E	-33.75563889	25.860125	33°45.3383' S	25°51.6075' E
26	33°48' 4.7" S	25°51' 36.45" E	-33.80130556	25.860125	33°48.0783' S	25°51.6075' E
27	33°48' 4.3632" S	25°52' 52.8312" E	-33.801212	25.881342	33°48.07272' S	25°52.88052' E
28	33°43' 20.16" S	25°50' 48.6" E	-33.72226667	25.84683333	33°43.336' S	25°50.81' E
29	33°43' 12.24" E	25°51' 29.82" E	-33.72006667	25.85828333	33°43.204' S	25°51.497' E

DEPARTMENT OF ENVIRONMENTAL AFFAIRS

NO. R. 115

03 FEBRUARY 2016

**NATIONAL ENVIRONMENTAL MANAGEMENT: PROTECTED AREAS ACT, 2003
(ACT NO. 57 OF 2003)****DRAFT NOTICE DECLARING THE BROWNS BANK CORALS MARINE
PROTECTED AREA UNDER SECTION 22A OF THE NATIONAL
ENVIRONMENTAL MANAGEMENT: PROTECTED AREAS ACT, 2003 (ACT NO.
57 OF 2003)**

I, Bomo Edith Edna Molewa, Minister of Environmental Affairs, hereby publish for public comment, the intention to declare under section 22A of the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003), the Browns Bank Corals Marine Protected Area as set out in the Schedule hereto.

Any person who wishes to submit representations or comments in connection with the proposed declaration is invited to do so within 90 days from the date of publication in the *Government Gazette* and by no later than 16h00 on the last day. Comments received after this time may not be considered. All representations and comments must be submitted in writing to the Deputy Director-General of the Department of Environmental Affairs, Branch Oceans and Coasts:

By post to: **The Deputy Director-General
Environmental Affairs
Oceans and Coasts
Attention: Xola Mkefe
P.O Box 52126
V and A Waterfront, Cape Town
8002**

By hand: **East Pier Building 2, East Pier Road, V&A
Waterfront, Cape Town**

By e-mail to: **MPARegs@environment.gov.za**
Enquiries: **Xola Mkefe 021 819 2466**



**BOMO EDITH EDNA MOLEWA
MINISTER OF ENVIRONMENTAL AFFAIRS**

SCHEDULE

All geographic co-ordinates are determined in accordance with the *WGS 84* datum, and all bearings are true bearings as set out in Annexure 1 hereto.

Boundaries of the Marine Protected Area

The Browns Bank Corals Marine Protected Area in the Western Cape is an offshore Marine Protected Area in the 250m to 400m depth range lying approximately 70 nautical miles south of Cape Agulhas. The Browns Bank Corals Marine Protected Area is comprised of three separate areas, indicated as BBC1, BBC2 and BBC3 detailed in Annexure 1 as follows:

- (a) BBC1 is bounded by a series of straight lines sequentially joining the following four coordinates: (A) 35° 33' S, 19° 11'E; (B) 35° 38.460' S, 19° 20' E; (C) 35° 42.780' S, 19° 20' E; and (D) 35° 38' S, 19° 11'E;
- (b) BBC2 is bounded by a series of straight lines sequentially joining the following four coordinates: (A) 35° 58' S, 19° 35' E; (B) 35° 58' S, 19° 41' E; (C) 36° 8' S, 19° 53' E; and (D) 36°8' S, 19° 46.50'E; and
- (c) BBC 3 is bounded by a series of straight lines sequentially joining the following five coordinates (A) 36° 22' S, 20° 0' E; (B) 36° 22' S, 20° 2' E; (C) 36° 32' S, 20° 13' E; (D) 36° 32' S, 20° 10' E; and (E) 36° 24' S, 20° 0' E.

The areas include the sea bed, water column and subsoil within these boundaries.

Purpose

The purpose for declaring this Marine Protected Area is:

- (a) To contribute to a national and global representative system of marine protected areas by providing protection to the benthic ecosystems of the shelf edge;
- (b) to conserve and protect cold water corals and associated ecosystems;
- (c) to conserve and protect the biodiversity and ecological processes associated with these ecosystems; and
- (d) to protect and provide an appropriate reference environment for research and monitoring particularly research on ecosystem description and assessment and fisheries impacts and recovery.

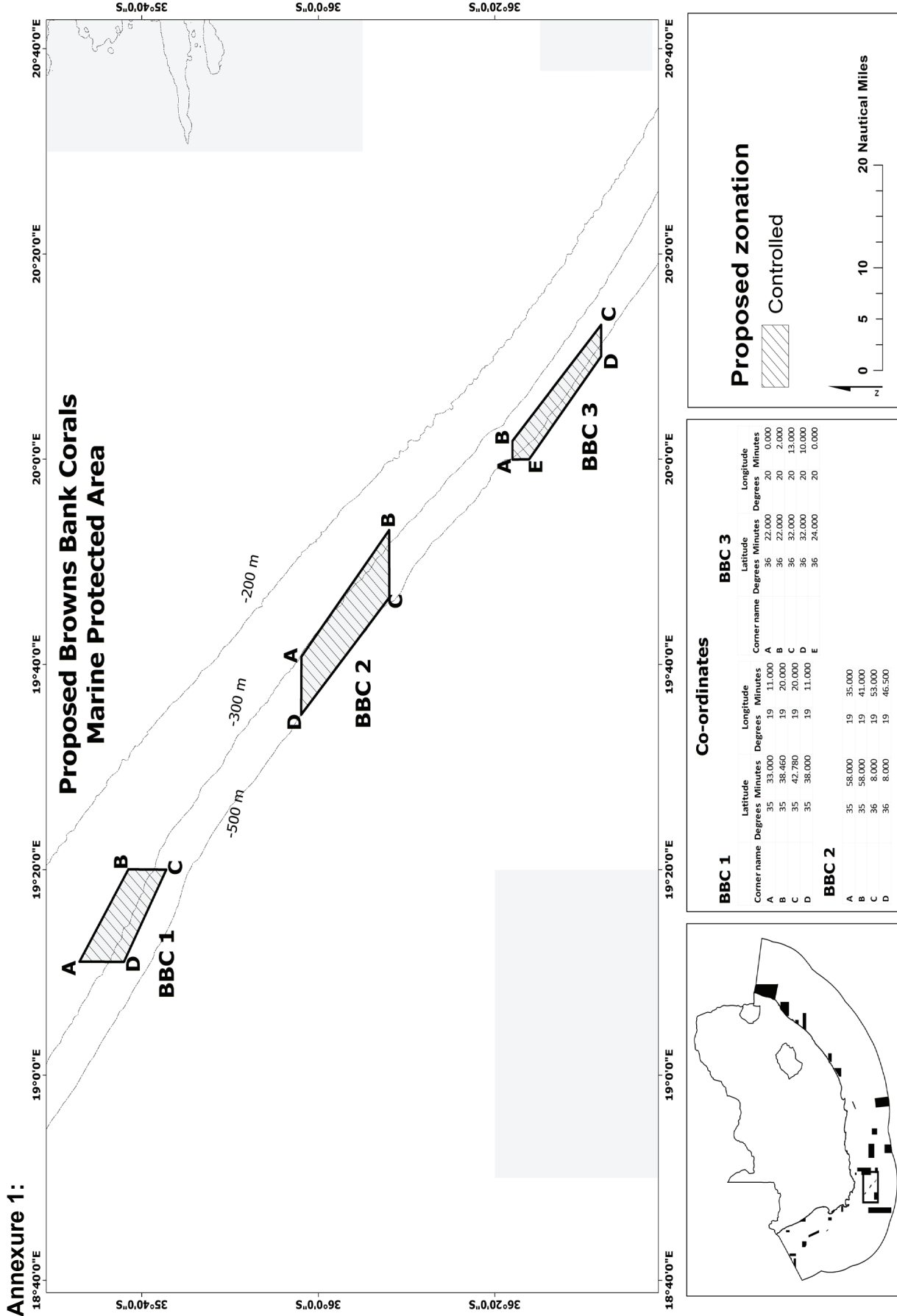


Fig. 1. The proposed boundaries for the Browns Bank Corals Marine Protected Area.

Table 1. The exact geographic coordinates (WGS 84) of points BBC 1 A-D, BBC 2 A-D and BBC 3 A-E in Fig 1.

	Corner name	X (East) Decimal Degrees	Y (South) Decimal Degrees	X (East) Degrees	X (East) Minutes	Y (South) Degrees	Y (South) Minutes
Browns Bank Corals 1 (BBC 1)	A	19.1833	-35.5500	19	11.000	35	33.000
	B	19.3333	-35.6410	19	20.000	35	38.460
	C	19.3333	-35.7130	19	20.000	35	42.780
	D	19.1833	-35.6333	19	11.000	35	38.000
Browns Bank Corals 2 (BBC 2)	A	19.5833	-35.9667	19	35.000	35	58.000
	B	19.6833	-35.9667	19	41.000	35	58.000
	C	19.8833	-36.1333	19	53.000	36	8.000
	D	19.7750	-36.1333	19	46.500	36	8.000
Browns Bank Corals 3 (BBC 3)	A	20.0000	-36.3667	20	0.000	36	22.000
	B	20.0333	-36.3667	20	2.000	36	22.000
	C	20.2167	-36.5333	20	13.000	36	32.000
	D	20.1667	-36.5333	20	10.000	36	32.000
	E	20.0000	-36.4000	20	0.000	36	24.000

DEPARTMENT OF ENVIRONMENTAL AFFAIRS

NO. R. 116

03 FEBRUARY 2016

**NATIONAL ENVIRONMENTAL MANAGEMENT: PROTECTED AREAS ACT, 2003
(ACT NO. 57 OF 2003)****DRAFT NOTICE DECLARING THE ADDO ELEPHANT MARINE PROTECTED
AREA UNDER SECTION 22A OF THE NATIONAL ENVIRONMENTAL
MANAGEMENT: PROTECTED AREAS ACT, 2003 (ACT NO. 57 OF 2003)**

I, Bomo Edith Edna Molewa, Minister of Environmental Affairs, hereby publish for public comment, the intention to declare under section 22A of the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003), the draft Addo Elephant Marine Protected Area as set out in the Schedule hereto.

Any person who wishes to submit representations or comments in connection with the proposed declaration is invited to do so within 90 days from the date of publication in the *Government Gazette* and by no later than 16h00 on the last day. Comments received after this time may not be considered. All representations and comments must be submitted in writing to the Deputy Director-General of the Department of Environmental Affairs, Branch Oceans and Coasts:

By post to: **The Deputy Director-General**
Environmental Affairs: Oceans and Coasts
Attention: Xola Mkefe
PO Box 52126
V and A Waterfront, Cape Town, 8002

Hand deliver to: **East Pier Building 2, East Pier Road, V and A Waterfront,**
Cape Town

By e-mail to MPARegs@environment.gov.za

Enquiries: **Xola Mkefe 021 819 2644**



BOMO EDITH EDNA MOLEWA
MINISTER OF ENVIRONMENTAL AFFAIRS

SCHEDULE

All geographic co-ordinates are determined in accordance with the *WGS 84* datum, and all bearings are true bearings.

Boundaries of the Marine Protected Area

The Addo Elephant Marine Protected Area in the Eastern Cape is bounded by, at the northern / landward boundary, the high-water mark, as the eastern boundary a straight line between the points (5) 33°45.202'S; 026°31.772'E and (4) 33°52.500'S; 026°31.772'E, the southern boundary a straight line between the points (4) 33°52.500'S; 026°31.722'E and (3) 33°52.500'S; 025°42.000'E and the western boundary a straight line from the points (3) 33°52.500'S; 025°42.000'E to point (2) 33°48.167'S; 025°42.000'E and to the point (1) 33°46.792'S; 025°43.273'E and includes the estuary of the Sundays river from the river mouth upstream to the point (6) 33°37.665'S; 025°44.082'E (Figure 1 in Annexure 1). The Marine Protected Area includes the sea bed, water column and subsoil within these boundaries.

Purpose

The purpose for declaring this Marine Protected Area is:

- (a) To contribute to a national and global representative system of marine protected areas, by providing protection for species, habitats and ecosystem processes in a biodiversity hotspot, to form a contiguous conservation area between marine, estuarine and terrestrial habitats;
- (b) to facilitate fisheries management by protecting spawning stock, allowing stock recovery, enhancing stock abundance in adjacent areas, in particular linefish and abalone stocks ; allowing the development of sustainable aquaculture in a confined area; and
- (c) for the protection of fauna and flora or a particular species of fauna or flora and the physical features on which they depend, including the African Penguin and Cape Gannet.

Annexure 1:
Fig. 1. The proposed boundaries for the Addo Elephant Marine Protected Area



Table 1. The exact geographic coordinates (WGS 84) of points 1, 2, 3, 4, 5 and 6 in Fig 1.

Point	Degrees Minutes Seconds		Decimal Degrees		Degrees Minutes	
	Latitude	Longitude	Latitude	Longitude	Latitude	Longitude
1	33°46' 47.52" S	25°43' 16.38" E	- 33.77986667	25.72121667	33°46.792' S	25°43.273' E
2	33°48' 10.02" S	25°42' 0" E	- 33.80278333	25.7	33°48.167' S	25°42.000' E
3	33°52' 30" S	25°42' 0" E	-33.875	25.7	33°52.500' S	25°42.000' E
4	33°52' 30" S	26°31' 46.32" E	-33.875	26.52953333	33°52.500' S	26°31.772' E
5	33°45' 12.12" S	26°31' 46.32" E	- 33.75336667	26.52953333	33°45.202' S	26°31.772' E
6	33°37' 39.9" S	25°44' 4.92" E	-33.62775	25.7347	33° 37.665'S	25° 44.082'E

DEPARTMENT OF ENVIRONMENTAL AFFAIRS

NO. R. 117

03 FEBRUARY 2016

**NATIONAL ENVIRONMENTAL MANAGEMENT: PROTECTED AREAS
ACT, 2003
(ACT NO. 57 OF 2003)**

**DRAFT REGULATIONS FOR THE MANAGEMENT OF THE BROWNS
BANK CORALS MARINE PROTECTED AREA**

I, Bomo Edith Edna Molewa, Minister of Environmental Affairs, hereby publish for public comment, the draft Regulations for the Management of the Browns Bank Corals Marine Protected Area in terms of sections 48A(2) and 86(1)(a), (b), (c) and (d) of the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003), as set out in the Schedule hereto.

Any person who wishes to submit representations or comments in connection with the draft regulations are invited to do so within 90 days from the date of publication in the *Government Gazette* and by no later than 16h00 on the last day. Comments received after this time may not be considered. All representations and comments must be submitted in writing to the Deputy Director-General of the Department of Environmental Affairs, Branch Oceans and Coasts:

By post to: **The Deputy Director-General
Environmental Affairs
Oceans and Coasts
Attention: Xola Mkefe
P.O Box 52126
V and A Waterfront, Cape Town
8002**

By hand: **East Pier Building 2, East Pier Road, V&A
Waterfront, Cape Town**

By e-mail to: **MPARegs@environment.gov.za**
Enquiries: **Xola Mkefe 021 819 2466**



**BOMO EDITH EDNA MOLEWA
MINISTER OF ENVIRONMENTAL AFFAIRS**

Schedule

1. Definitions

In these Regulations, unless the context indicates otherwise, a word or expression that is defined in the Act bears the same meaning in these Regulations, and in addition—

“Act” means the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003);

“certificate of competence” means a certificate of competence as defined in the National Small Vessel Safety Regulations, 2007;

“certificate of fitness” means a certificate of fitness as defined in the National Small Vessel Safety Regulations, 2007;

“Controlled Zone” means an area within a marine protected area where fishing or any other activity in terms of section 48A(1) of the Act may take place if authorised in terms of these regulations as contemplated in terms of section 48A(2) of the Act;

“environment” has the meaning assigned to it in section 1 of the National Environmental Management Act;

“fish” means any aquatic plant or animal whether piscine or not, and any mollusc, crustacean, coral, sponge, holothurian or other echinoderm, reptile and includes their eggs, larvae and all juvenile stages, but does not include sea birds, seals or any marine mammal;

“fishing” or to **“fish”** means—

- (a) searching for, catching, taking or harvesting fish or an attempt to any such activity;
- (b) engaging in any other activity which can reasonably be expected to result in the locating, catching, taking or harvesting of fish;
- (c) placing, searching for or recovering any fish aggregating device or associated gear, including radio beacons;
- (d) any operation in support or in preparation of any activity described in this definition; or
- (e) the use of an aircraft in relation to any activity described in this definition;

“**hovercraft**” means a craft that floats on a cushion of air and is capable of traversing water;

“**Integrated Coastal Management Act**” means the National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008);

“**Marine Living Resources Act**” means the Marine Living Resources Act, 1998 (Act No. 18 of 1998);

“**Marine Protected Area**” means the Browns Bank Corals Marine Protected Area as declared by the Minister in terms of section 22A of the Act;

“**National Small Vessel Safety Regulations**” means the Merchant Shipping (National Small Vessel Safety) Regulations, 2007, published in terms of section 356 of the Merchant Shipping Act, 1951 (Act No. 57 of 1951) and promulgated in Government Notice No. R. 705 of 8 August 2007;

“**operate**” in respect of a vessel, includes mooring in the water, drifting in the water and ascending or descending from its mooring, the shore, launch site, a buoy or a jetty;

“**personal watercraft**” means a vessel that uses an inboard motor powering a water jet pump as its primary source of propulsion, and is designed to be operated by a person or persons sitting, standing, or kneeling on rather than within the confines of a hull;

“**vessel**” means a waterborne craft of any kind whether a surface craft or submarine, and whether self-propelled or not, and includes any moored floating structure that can be used as a means of transport by water and includes a personal watercraft and hovercraft; and

“**WGS 84**” means the World Geodetic System of 1984 (G730), which is a geographic co-ordinate system.

2. Zonation within the Marine Protected Area

The entire Browns Bank Corals Marine Protected Area is zoned as a single Controlled Zone which is determined by using WGS 84 as detailed in Annexure 1 hereto.

3. Scientific research permit

- (1) No person may undertake any scientific research within the Marine Protected Area, except on the authority of a scientific research permit issued by the Minister.

- (2) Application for a scientific research permit in terms of sub-regulation (1) must be made to the Minister in accordance with the provisions of section 83 of the Marine Living Resources Act or any regulations published under the Integrated Coastal Management Act.

4. General restrictions within the Marine Protected Area

- (1) The owner, skipper or operator of a vessel shall not enter or operate a vessel in the Marine Protected Area without a valid certificate of competence and a certificate of fitness issued in respect of such vessel, and such original certificates must be available for inspection at all times.
- (2) A vessel shall not enter the Marine Protected Area unless the marking approved for that vessel in accordance with the provisions of the Merchant Shipping Act, 1951 (Act No. 57 of 1951), is displayed on the vessel at all times while the vessel is inside the Marine Protected Area.
- (3) The owner, skipper or operator of a vessel shall not enter or operate a vessel in the Marine Protected Area unless such vessel and any other equipment or contents of such vessel, comply with the safety and other requirements specified in the Merchant Shipping Act, 1951 (Act No. 57 of 1951) for such vessel.

5. Use of vessels

- (1) No person may moor or anchor any vessel in the Marine Protected Area except—
 - (a) under conditions of *force majeure*; or
 - (b) for the use of a vessel by an employee of the Department or any other organ of state acting in the course and scope of their employment or mandate.
- (2) Despite sub-regulation (1), the Minister may on application and on such conditions as he or she may deem appropriate, authorise the anchoring or mooring of a vessel in the following circumstances
 - (a) in an emergency; or
 - (b) where the Minister may deem it to be necessary in order to ensure the proper management of the Marine Protected Area.

- (3) The Minister may verbally authorise a vessel to moor or anchor within the Marine Protected Area as contemplated in sub-regulation (2), which verbal authorisation must be confirmed in writing within 3 working days.

6. Restriction of activities

No person may undertake any activity listed in section 48A(1) of the Act, in the Marine Protected Area, unless authorised to do so in terms of these regulations.

7. Control of activities in Marine Protected Area

- (1) No person shall fish, or attempt to fish, from a vessel in the Marine Protected Area unless:
- (a) they are in possession of a valid fishing permit in the line fish commercial fishing sector issued in terms of the Marine Living Resources Act and such permit authorises fishing within the Marine Protected Area; or
 - (b) they are in possession of a valid recreational fishing permit issued in terms of the Marine Living Resources Act.
- (2) No person shall undertake recreational fishing in the Marine Protected Area in the period between 17h00 in the evening and 06h00 of the following day.
- (3) Fishing gear onboard a vessel or in possession of any person that enters or is present in the Marine Protected Area and who is not authorised to fish in terms of sub-regulation (1) must be stowed in the following manner:
- (a) In the case of line fishing from a vessel, all hooks, lures, and weights are disconnected from the line, all the line is reeled onto the reel or rolled up, and that rolled up line, hooks, lures, bait and weights on the vessel are placed away in the cabin, wheel house or console of the vessel;
 - (b) in the case of purse-seine fishing the boom shall be lowered as far as possible so that the vessel cannot be used for fishing but so that the skiff is accessible for use in emergency situations;

- (c) in the case of a trawl fishing, all nets, trawl boards and weights shall be disconnected from their towing or hauling wires, ropes or rigid frames and either stowed below deck or securely lashed to some part of the superstructure of the fishing vessel;
- (d) in the case of rock lobster fishing all traps shall be on board and tied down; and all dinghies shall be on board and securely lashed to some part of the superstructure of the fishing vessel;
- (e) in the case of fishing with traps other than rock lobster traps, all traps shall be on board and tied down; and
- (f) in the case of longline fishing, all gear shall be covered and the cover secured.

8. Suspension, amendment and cancellation of permits

- (1) Subject to sub-regulation (2) and (3), a permit issued under these regulations may be suspended, cancelled or amended at any time.
- (2) A permit issued in terms of these regulations may be suspended, cancelled or amended, if—
 - (a) the Minister is satisfied on the basis of information that was not considered when the permit was issued, that it is necessary or desirable to suspend, cancel or amend the permit to prevent deterioration or further deterioration of the environment within the Marine Protected Area;
 - (b) other similar permits held by other persons have also been reviewed and the suspension, cancellation or amendment does not unfairly discriminate against the holder in relation to other holders of similar permits;
 - (c) the permit holder is in breach of a condition contained in the permit;
 - (d) the permit holder provided incorrect or false information in the application for the permit;

- (e) the holder of a permit has been convicted of an offence in terms of the Act, the National Environmental Management Act or a specific environmental management act or any regulations issued thereunder; or
 - (f) the reason for the issuing of the permit no longer exists.
- (3) A permit issued in terms of these regulations may be amended—
- (a) if an error needs to be corrected or rectified;
 - (b) at the request of the applicant;
 - (c) for the proper management and implementation of these regulations: or
 - (d) where the conditions or circumstances have changed since the original permit was issued.

9. Offences and penalties

In addition to any offence in terms of section 89 of the Act, any person who contravenes or fails to comply with—

- (a) regulations 3(1), 4, 5(1), 6 or 7;
- (b) a condition mentioned in a permit issued in terms of these regulations; or
- (c) a prohibition, instruction, rule or order imposed, given or issued under these regulations;

is guilty of an offence and liable in the case of a first conviction to a fine not exceeding R5 million or to imprisonment for a period not exceeding five years and in the case of a second or subsequent conviction to a fine not exceeding R10 million or imprisonment for a period not exceeding 10 years or in both instances to both a fine and such imprisonment.

10. Short title and commencement

These regulations are called the Browns Bank Corals Marine Protected Area Regulations and commence upon date of publication in the *Gazette*.

Annexure 1

(Zonation of Browns Bank Corals Marine Protected Area)

The Browns Bank Corals Marine Protected Area is zoned as a single Controlled Zone. The Browns Bank Corals Marine Protected Area is comprised of three separate areas, indicated as BB1, BB2 and BB3 in the figure below.

- (a) BBC1 is bounded by a series of straight lines sequentially joining the following four coordinates (A) 35° 33' S, 19° 11'E; (B) 35° 38.460' S, 19° 20' E; (C) 35° 42.780' S, 19° 20' E; (D) 35° 38' S, 19° 11'E.
- (b) BBC2 is bounded by a series of straight lines sequentially joining the following four coordinates (A) 35° 58' S, 19° 35' E; (B) 35° 58' S, 19° 41' E; (C) 36° 8' S, 19° 53' E; (D) 36°8' S, 19° 46.50'E.
- (c) BBC 3 is bounded by a series of straight lines sequentially joining the following five coordinates (A) 36° 22' S, 20° 0' E; (B) 36° 22' S, 20° 2' E; (C) 36° 32' S, 20° 13' E; (D) 36° 32' S, 20° 10' E; (E) 36° 24' S, 20° 0' E.

The areas include the sea bed, water column and subsoil within these boundaries.

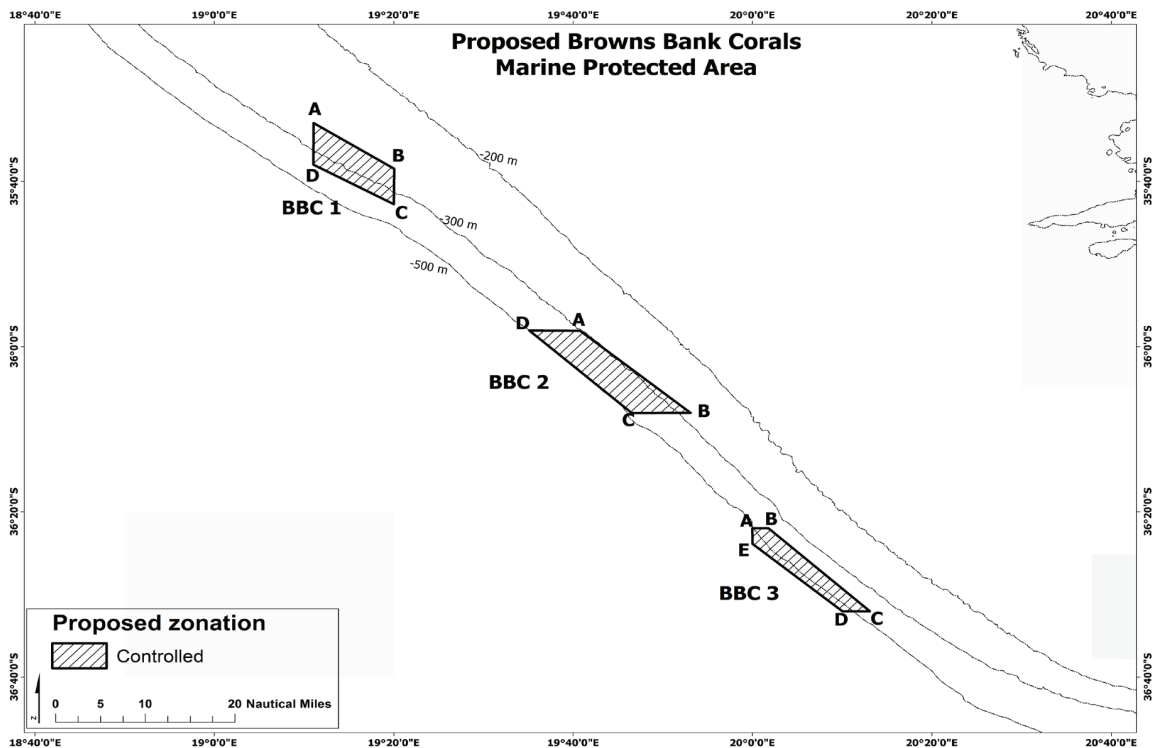


Fig. 1. The proposed zonation for the Browns Bank Corals Marine Protected Area

DEPARTMENT OF ENVIRONMENTAL AFFAIRS

NO. R. 118

03 FEBRUARY 2016

**NATIONAL ENVIRONMENTAL MANAGEMENT: PROTECTED AREAS
ACT, 2003
(ACT NO. 57 OF 2003)**

**DRAFT REGULATIONS FOR THE MANAGEMENT OF THE
iSIMANGALISO MARINE PROTECTED AREA**

I, Bomo Edith Edna Molewa, Minister of Environmental Affairs, hereby publish for public comment, the draft Regulations for the Management of the iSimangaliso Marine Protected Area in terms of sections 48A(2) and 86(1)(a), (b), (c) and (d) of the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003), as set out in the Schedule hereto.

Any person who wishes to submit representations or comments in connection with the draft regulations are invited to do so within 90 days from the date of publication in the *Government Gazette* and by no later than 16h00 on the last day. Comments received after this time may not be considered. All representations and comments must be submitted in writing to the Deputy Director-General of the Department of Environmental Affairs, Branch Oceans and Coasts.

By post to: The Deputy Director-General
Environmental Affairs
Oceans and Coasts
Attention: Xola Mkefe
P.O Box 52126
V and A Waterfront, Cape Town
8002

By hand: East Pier Building 2, East Pier Road, V&A
Waterfront, Cape Town

By e-mail to: MPARegs@environment.gov.za
Enquiries: Xola Mkefe 021 819 2466



**BOMO EDITH EDNA MOLEWA
MINISTER OF ENVIRONMENTAL AFFAIRS**

Schedule

1. Definitions

In these Regulations, unless the context indicates otherwise, a word or expression that is defined in the Act bears the same meaning in these Regulations, and in addition—

“Act” means the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003);

“alpha flag” means the “diver down” flag used to indicate that diving operations are in progress and other vessels must keep clear;

“certificate of competence” means a certificate of competence as defined in the National Small Vessel Safety Regulations, 2007;

“certificate of fitness” means a certificate of fitness as defined in the National Small Vessel Safety Regulations, 2007;

“Controlled Zone” means an area within the Marine Protected Area where limited fishing or any other activity in terms of section 48A(1) of the Act may take place if authorised in terms of these regulations as contemplated in terms of section 48A(2) of the Act or if authorised in terms of regulation 4(7);

“Controlled Pelagic Zone” means an area within the Marine Protected Area where limited fishing for pelagic fish or any other activity in terms of section 48A(1) of the Act may take place if authorised in terms of these regulations as contemplated in terms of section 48A(2) of the Act or if authorised in terms of regulation 4(7);

“environment” has the meaning assigned to it in section 1 of the National Environmental Management Act, 1998 (Act No. 107 of 1998);

“fish” means any aquatic plant or animal whether piscine or not, and any mollusc, crustacean, coral, sponge, holothurian or other echinoderm, reptile and includes their eggs, larvae and all juvenile stages, but does not include sea birds, seals or any marine mammal;

“fishing” or to **“fish”** means—

- (a) searching for, catching, taking or harvesting fish or an attempt to any such activity;
- (b) engaging in any other activity which can reasonably be expected to result in the locating, catching, taking or harvesting of fish;
- (c) placing, searching for or recovering any fish aggregating device or associated gear, including radio beacons;

- (d) any operation in support or in preparation of any activity described in this definition; or
- (e) the use of an aircraft in relation to any activity described in this definition;

“**hovercraft**” means a craft that floats on a cushion of air and is capable of traversing water;

“**Integrated Coastal Management Act**” means the National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008);

“**Integrated Management Plan**” means the plan for the iSimangaliso Wetland Park world heritage site, including the Integrated Management Plan Zonation prepared and approved in terms of section 42 of the World Heritage Convention Act;

“**iSimangaliso**” means that part of the proclaimed iSimangaliso Wetland Park world heritage site, which also falls within the iSimangaliso Marine Protected Area declared in terms of section 22A of the Act;

“**IICZ**” means the iSimangaliso Inshore Controlled Zone;

“**IICPZ**” means the iSimangaliso Inshore Controlled Pelagic Zone;

“**IISZ**” means the iSimangaliso Inshore Sanctuary Zone;

“**IIWZ**” means the iSimangaliso Inshore Wilderness Zone;

“**IOCZ**” means the iSimangaliso Offshore Controlled Zone;

“**IOCPZ**” means the iSimangaliso Offshore Controlled Pelagic Zone;

“**IORZ**” means the iSimangaliso Offshore Restricted Zone

“**IOSZ**” means the iSimangaliso Offshore Sanctuary Zone;

“**IOWZ**” means the iSimangaliso Offshore Wilderness Zone;

“**iSimangaliso Fish List**” means a list of fish species which may be fished for in the Controlled and Controlled Pelagic Zones of the Marine Protected Area as detailed in Annexure 2 hereto;

“**management authority**” means the body designated in regulation 12;

“**Marine Living Resources Act**” means the Marine Living Resources Act, 1998 (Act No. 18 of 1998);

“Marine Protected Area” means the iSimangaliso Marine Protected Area as declared by the Minister in terms of section 22A of the Act;

“National Small Vessel Safety Regulations” means the Merchant Shipping (National Small Vessel Safety) Regulations, 2007, published in terms of section 356 of the Merchant Shipping Act, 1951 (Act No. 57 of 1951) and promulgated in Government Notice No. R. 705 of 8 August 2007;

“operate” in respect of a vessel, includes mooring in the water, drifting in the water and ascending or descending from its mooring, the shore, launch site, a buoy or a jetty;

“personal watercraft” means a vessel that uses a motor powering a water jet pump as its primary source of propulsion, and is designed to be operated by a person or persons sitting, standing or kneeling on rather than within the confines of a hull;

“Protected Area Notice” has the meaning assigned to it in the Regulations for the Proper Administration of Special Nature Reserves, National Parks and World Heritage Sites, (*Government Gazette* 28181 GNR 1061 of 28 October 2005) published under the Act;

“recreational fishing” means, any fishing done for leisure or sport and not for sale, barter, earnings or gain;

“Restricted Zone” means an area within the Marine Protected Area where no fishing may take place, but where any other activity in terms of section 48A(1) of the Act may take place if authorised in terms of these regulations as contemplated in terms of section 48A(2) of the Act, or if authorised in terms of regulation 4(7);

“Sanctuary Zone” means an area within the Marine Protected Area where no fishing may take place, and where limited recreational activities may take place as set out in the Integrated Management Plan, and where any other activity in terms of section 48A(1) of the Act may take place if authorised in terms of these regulations as contemplated in terms of section 48A(2) of the Act, or if authorised in terms of regulation 4(7);

“SCUBA Diving” means swimming below the surface of the water with the aid of compressed or pumped air or other gasses;

“small-scale fishing” has the meaning ascribed to it in the Small-Scale Fishing Policy published in *Government Gazette* 35455 GN 474 of 20 June 2012;

“vessel” means a waterborne craft of any kind whether a surface craft or submarine, and whether self-propelled or not, and includes any moored floating structure that can be used as a means of transport by water and includes a personal watercraft and hovercraft;

“Wilderness Zone” means an area within the Marine Protected Area where no fishing may take place, but where ecotourism activities that maintain wilderness characteristics and attributes may take place if authorised by these regulations as contemplated in terms of section 48A(2) of the Act, or if authorised in terms of regulation 4(7);

“World Heritage Convention Act” means the World Heritage Convention Act, 1999 (Act No. 49 of 1999); and

“WGS 84” means the World Geodetic System of 1984 (G730), which is a geographic co-ordinate system.

2. Zonation within the Marine Protected Area

The iSimangaliso Marine Protected Area consists of an inshore and offshore area. The inshore area consists of three (3) Inshore Controlled Zones, eight (8) Inshore Controlled Pelagic Zones, five (5) Inshore Sanctuary Zones and one (1) Inshore Wilderness Zone. The offshore area consists of three (3) Offshore Controlled Zones, six (6) Offshore Controlled Pelagic Zones, two (2) Offshore Sanctuary Zones, one (1) Offshore Wilderness Zone and one (1) Offshore Restricted Zone.

The zones were determined by using WGS 84 as detailed in Annexure 1 and outlined hereunder:

- (a) One (1) Inshore Sanctuary Zone indicated as IISZ1 (part of iSimangaliso);
- (b) One (1) Inshore Controlled Pelagic Zone indicated as IICPZ1 (part of iSimangaliso);
- (c) One (1) Inshore Sanctuary Zone 2 indicated as IISZ2 (part of iSimangaliso);
- (d) One (1) Inshore Controlled Pelagic Zone indicated as IICPZ2 (part of iSimangaliso);
- (e) One (1) Inshore Sanctuary Zone indicated as IISZ3 (part of iSimangaliso);
- (f) One (1) Inshore Controlled Pelagic Zone indicated as IICPZ3 (part of iSimangaliso);
- (g) One (1) Inshore Controlled Zone indicated as IICZ1 (part of iSimangaliso);
- (h) One (1) Inshore Controlled Pelagic Zone indicated as IICPZ4 (part of iSimangaliso);

- (i) One (1) Inshore Wilderness Zone indicated as IIWZ1 (part of iSimangaliso);
- (j) One (1) Inshore Controlled Pelagic Zone indicated as IICPZ5 (part of iSimangaliso);
- (k) One (1) Inshore Controlled Zone indicated as IICZ2 (part of iSimangaliso);
- (l) One (1) Inshore Controlled Pelagic Zone indicated as IICPZ6 (part of iSimangaliso);
- (m) One (1) Inshore Sanctuary Zone indicated as IISZ4 (part of iSimangaliso);
- (n) One (1) Inshore Controlled Pelagic Zone indicated as IICPZ7 (part of iSimangaliso);
- (o) One (1) Inshore Controlled Zone indicated as IICZ3 (part of iSimangaliso);
- (p) One (1) Inshore Controlled Pelagic Zone indicated as IICPZ8 (part of iSimangaliso);
- (q) One (1) Inshore Sanctuary Zone indicated as IISZ5 (part of iSimangaliso);
- (r) One (1) Offshore Sanctuary Zone indicated as IOSZ1 (part of iSimangaliso);
- (s) One (1) Offshore Controlled Pelagic Zone indicated as IOCPZ1 (part of iSimangaliso);
- (t) One (1) Offshore Sanctuary Zone indicated as IOSZ2 (part of iSimangaliso);
- (u) One (1) Offshore Controlled Pelagic Zone indicated as IOCPZ2 (part of iSimangaliso);
- (v) One (1) Offshore Controlled Zone indicated as IOCZ1 (part of iSimangaliso);
- (w) One (1) Offshore Controlled Pelagic Zone indicated as IOCPZ3 (part of iSimangaliso);
- (x) One (1) Offshore Wilderness Zone indicated as IOWZ1 (part of iSimangaliso);
- (y) One (1) Offshore Controlled Pelagic Zone indicated as IOCPZ4 (part of iSimangaliso);
- (z) One (1) Offshore Controlled Zone indicated as IOCZ2 (part of iSimangaliso);

- (aa) One (1) Offshore Controlled Pelagic Zone indicated as IOCPZ5 (part of iSimangaliso);
- (bb) One (1) Offshore Controlled Zone indicated as IOCZ3 (part of iSimangaliso);
- (cc) One (1) Offshore Controlled Pelagic Zone indicated as IOCPZ6 (part of iSimangaliso); and
- (dd) One (1) Offshore Restricted Zone indicated as IORZ1.

3. Scientific research permit

- (1) No person may undertake any scientific research within the Marine Protected Area, except on the authority of a scientific research permit issued by-
 - (a) the Minister, for research to be undertaken within the Marine Protected Area; and
 - (b) the management authority where such research will also be undertaken in iSimangaliso.
- (2) Application for a scientific research permit in terms of sub-regulation (1)(a) must be made to the Minister in accordance with the provisions of section 83 of the Marine Living Resources Act or any regulations published under the Integrated Coastal Management Act.
- (3) Application for a scientific research permit in terms of sub-regulation (1)(b) must be made to the management authority in accordance with the provisions of regulation 34 of the Regulations for the Proper Administration of Special Nature Reserves, National Parks and World Heritage Sites, (*Government Gazette* 28181 GNR 1061 of 28 October 2005) published under the Act.

4. General restrictions within the Marine Protected Area

- (1) The owner, skipper or operator of a vessel shall not enter or operate a vessel in the Marine Protected Area without a valid certificate of competence and a certificate of fitness issued in respect of such vessel, and such original certificates must be available for inspection at all times.
- (2) A vessel shall not enter the Marine Protected Area unless the marking approved for that vessel in accordance with the provisions of the Merchant Shipping Act, 1951 (Act No. 57 of 1951), or equivalent international marking requirements, is

displayed on the vessel at all times while the vessel is inside the Marine Protected Area.

- (3) The owner, skipper or operator of a vessel shall not enter or operate a vessel in the Marine Protected Area unless such vessel and any other equipment or contents of such vessel, comply with the safety and other requirements specified in the Merchant Shipping Act, 1951 (Act No. 57 of 1951), for such vessel.
- (4) No person shall except on the authority of a scientific research permit engage in killing, fishing, collecting, capturing, disturbing, controlling or harassing, or attempting to, kill, fish, collect, capture, disturb, control or harass a whale shark (*Rhincodon typus*), within the Marine Protected Area.
- (5) Disturbing or harassing as contemplated in sub-regulation (4) shall include any person, vessel or aircraft, approaching a whale shark closer than 20 meters.
- (6) If a whale shark approaches any person or vessel closer than 20 meters such person or vessel shall immediately proceed to a distance at least 20 meters from such whale shark.
- (7) The management authority may in the management plan for the Marine Protected Area, in the Integrated Management Plan, an internal rule or Protected Area Notice, identify activities, except for those activities listed in section 48A(1) of the Act; which may be restricted, controlled, limited or prohibited and such areas must be indicated by demarcation buoys, demarcation markers or notice boards.
- (8) No person shall conduct or carry out any activity that is restricted, controlled, limited or prohibited in terms of sub-regulation (7).

5. Use of vessels

- (1) No person may moor or anchor any vessel in the Marine Protected Area except—
 - (a) under conditions of *force majeure*; or
 - (b) for the use of a vessel by an employee of the Department or any other organ of state acting in the course and scope of their employment or mandate.
- (2) Despite sub-regulation (1), the management authority may on application and on such conditions as it may deem appropriate,

authorise the anchoring or mooring of a vessel in the following circumstances-

- (a) in an emergency; or
 - (b) where the management authority may deem it to be necessary in order to ensure the proper management of the Marine Protected Area.
- (3) The management authority may verbally authorise a vessel to moor or anchor within the Marine Protected Area as contemplated in sub-regulation (2), which verbal authorisation must be confirmed in writing within 3 working days.
 - (4) Vessels may only be launched within the Marine Protected Area at launch sites designated by the management authority in the Integrated Management Plan of the Marine Protected Area. No vessel may be launched into a Sanctuary Zone of the Marine Protected Area.
 - (5) Any motorized vessel that enters or traverses a Sanctuary, Wilderness or Restricted Zone within the Marine Protected Area may not stop or move at less than 5 knots at any time while in the Marine Protected Area.
 - (6) A motorized vessel entering or traversing the Marine Protected Area with fishing gear on board must have a Global Positioning System (GPS) Mapping Device with an active trail operational on the vessel, prior to entering and while traversing the Marine Protected Area and such GPS data may not be deleted from this device for forty eight hours after passing through the Marine Protected Area.
 - (7) A vessel required by law to have a Vessel Monitoring System; must when entering or traversing the Marine Protected Area with fishing gear on board, ensure that the Vessel Monitoring System is active.
 - (8) Any vessel that enters iSimangaliso is hereby deemed to have permission from the management authority as contemplated in terms of section 46(1) of the Act.

6. Restriction of activities

No person may undertake any activity listed in section 48A(1) of the Act, in the Marine Protected Area, unless authorised in terms of these regulations.

7. Control of activities in the Inshore Sanctuary Zones

- (1) No person shall fish, or attempt to fish, in a IISZ, including collecting or harvesting of invertebrates or intertidal or shallow sub-tidal organisms.
- (2) No vessel with fish or fishing gear on board may traverse an IISZ.
- (3) Fishing gear in possession of any person that enters or is present in a IISZ, must be stowed in the following manner -
 - (a) in the case of line fishing from the shore, all hooks, lures, and weights are disconnected from the line, all the line is reeled onto the reel or rolled up, and that rolled up line, hooks, lures, bait and weights are placed away in a bag or container; or
 - (b) in the case of other intertidal harvesting all gear shall be placed away in a bag or container.

8. Control of activities in the Offshore Sanctuary Zone and Inshore or Offshore Wilderness zones

- (1) No person shall fish, or attempt to fish, in a IOSZ or any Wilderness Zone.
- (2) A vessel within or traversing a IOSZ or any Wilderness Zone may not carry any fish or part thereof on board such vessel.
- (3) Fishing gear onboard a vessel or in possession of any person that enters or is present in the IOSZ or any Wilderness Zone must be stowed in the following manner -
 - (a) in the case of line fishing-
 - (i) from a vessel, all hooks, lures, and weights are disconnected from the line, all the line is reeled onto the reel or rolled up, and that rolled up line, hooks, lures, bait and weights on the vessel are placed away in the cabin, wheel house or console of the vessel;
 - (ii) from the shore, all hooks, lures, and weights are disconnected from the line, all the line is reeled onto the reel or rolled up, and that rolled up line, hooks, lures, bait and weights are placed away in a bag or container;

- (b) in the case of purse-seine fishing the boom shall be lowered as far as possible so that the vessel cannot be used for fishing but so that the skiff is accessible for use in emergency situations;
- (c) in the case of a trawl fishing, all nets, trawl boards and weights shall be disconnected from their towing or hauling wires, ropes or rigid frames and either stowed below deck or securely lashed to some part of the superstructure of the fishing vessel;
- (d) in the case of rock lobster fishing all traps shall be on board and tied down; and all dinghies shall be on board and securely lashed to some part of the superstructure of the fishing vessel;
- (e) in the case of fishing with traps other than rock lobster traps, all traps shall be on board and tied down; and
- (f) in the case of longline fishing, all gear shall be covered and the cover secured.

9. Control of activities in the Offshore Restricted Zone

- (1) No person shall fish, or attempt to fish, in the iSimangaliso Offshore Restricted Zone.
- (2) Fishing gear onboard a vessel or in possession of any person that enters or is present in the iSimangaliso Offshore Restricted Zone must be stowed in the same manner as required in terms of regulation 8(3).

10. Control of activities in the Inshore and Offshore Controlled and Controlled Pelagic Zones

- (1) No person shall in any Controlled or Controlled Pelagic Zone, fish or attempt to fish, from a vessel or the shore unless:
 - (a) they are in possession of a valid small-scale fishing authorisation issued in terms of the Marine Living Resources Act and such authorisation authorises fishing within an iSimangaliso Controlled or Controlled Pelagic Zones; or
 - (b) they are in possession of a valid recreational fishing permit issued in terms of the Marine Living Resources Act.
- (2) Notwithstanding anything to the contrary, a person in possession of a recreational fishing permit as contemplated in sub-regulation

(1)(b), and fishing in the iSimangaliso Inshore or Offshore Controlled or Controlled Pelagic Zones, may only fish for the species specified in the iSimangaliso Fish List.

- (3) No person shall undertake recreational fishing in any Controlled or Controlled Pelagic Zone between sunset and sunrise of the following day except with the permission of the management authority.
- (4) Any person in possession of a small-scale fishing authorisation as contemplated in sub-regulation (1)(a), and fishing in the iSimangaliso Inshore Controlled or Controlled Pelagic Zone, may only engage in rock and surf angling and harvesting of intertidal organisms.
- (5) Fishing gear onboard a vessel or in possession of any person that enters or is present in any Controlled or Controlled Pelagic Zone and who is not authorised to fish in terms of sub-regulation (1), must be stowed in accordance with regulation 8(3).

11. SCUBA Diving

- (1) No person may operate or attempt to operate a SCUBA diving business or enterprise in any Wilderness, Restricted, Controlled or Controlled Pelagic Zone without a permit.
- (2) Application for a permit referred to in sub-regulation (1) must be made to the management authority and may be issued subject to conditions.
- (3) Any vessel that has deployed divers in the Marine Protected Area must display an alpha flag.
- (4) Subject to regulation 3, no person may SCUBA dive in any Sanctuary Zone within the Marine Protected Area.

12. Management authority

The iSimangaliso Wetland Park Authority established in terms of section 9 of the World Heritage Convention Act, is hereby formally designated as the management authority for the Marine Protected Area in terms of section 38(1)(aB) of the Act.

13. Suspension, amendment and cancellation of permits

- (1) Subject to sub-regulation (2) and (3), a permit issued under these regulations may at any time be suspended, cancelled or amended.
- (2) A permit issued in terms of these regulations may be suspended, cancelled or amended, if—
 - (a) the management authority or the Minister is satisfied on the basis of information that was not considered when the permit was issued, that it is necessary or desirable to suspend, cancel or amend the permit to prevent deterioration or further deterioration of the environment within the iSimangaliso Marine Protected Area;
 - (b) other similar permits held by other persons have also been reviewed and the suspension, cancellation or amendment does not unfairly discriminate against the holder in relation to other holders of similar permits;
 - (c) the permit holder is in breach of a condition contained in the permit;
 - (d) the permit holder provided incorrect or false information in the application for the permit;
 - (e) the holder of a permit has been convicted of an offence in terms of the Act, the National Environmental Management Act or a specific environmental management act or any regulations issued thereunder; or
 - (f) the reason for the issuing of the permit no longer exists.
- (3) A permit issued in terms of these regulations may be amended—
 - (a) if an error needs to be corrected or rectified;
 - (b) at the request of the applicant;

- (c) for the proper management and implementation of these regulations; or
- (d) where the conditions or circumstances have changed since the original permit was issued.

14. Marking of Marine Protected Area

The management authority may mark one or more of the boundaries, of the Marine Protected Area by beacons, lights, buoys, or any other method. The management authority shall mark any boundaries of the Marine Protected Area in accordance with any relevant laws and requirements.

15. Offences and penalties

In addition to any offence in terms of section 89 of the Act, any person who contravenes or fails to comply with—

- (a) regulations 3(1), 4(1) to 4(6), 4(8), 5(1), 5(4) to 5(7), 6, 7, 8, 9, 10, 11(1), 11(3), or 11(4);
- (b) a condition mentioned in a permit issued in terms of these regulations; or
- (c) a prohibition, instruction, rule or order imposed, given or issued under these regulations;

is guilty of an offence and liable in the case of a first conviction to a fine not exceeding R5 million or to imprisonment for a period not exceeding five years and, in the case of a second or subsequent conviction, to a fine not exceeding R10 million or imprisonment for a period not exceeding 10 years or in both instances to both a fine and such imprisonment.

16. Withdrawal and repeal

- (1) The declaration of the St Lucia and Maputaland marine protected areas as contained in stipulation 2(11) and 2(12) of the declaration notice named Declaration of Areas as Marine Protected Areas in *Government Gazette* 219487, Notice No. 1429 of 29 December 2000 is hereby withdrawn and repealed.

- (2) The provisions of stipulation 3(1)(g) insofar as it relates to the St Lucia and Maputaland marine protected areas and stipulations 3(2), 3(3), 3(4) and 3(5), as contemplated in the notice named Declaration of Areas as Marine Protected Areas in Government Gazette 219487, Notice No. 1429 of 29 December 2000 is hereby repealed.

17. Short title and commencement

These regulations are called the iSimangaliso Marine Protected Area Regulations and commence upon date of publication in the *Gazette*.

Annexure 1

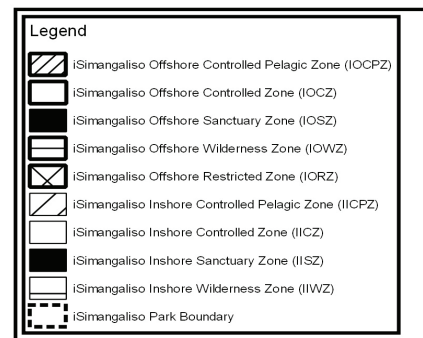
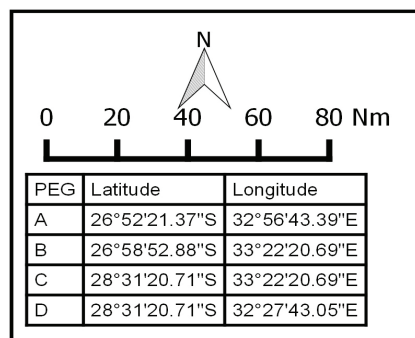
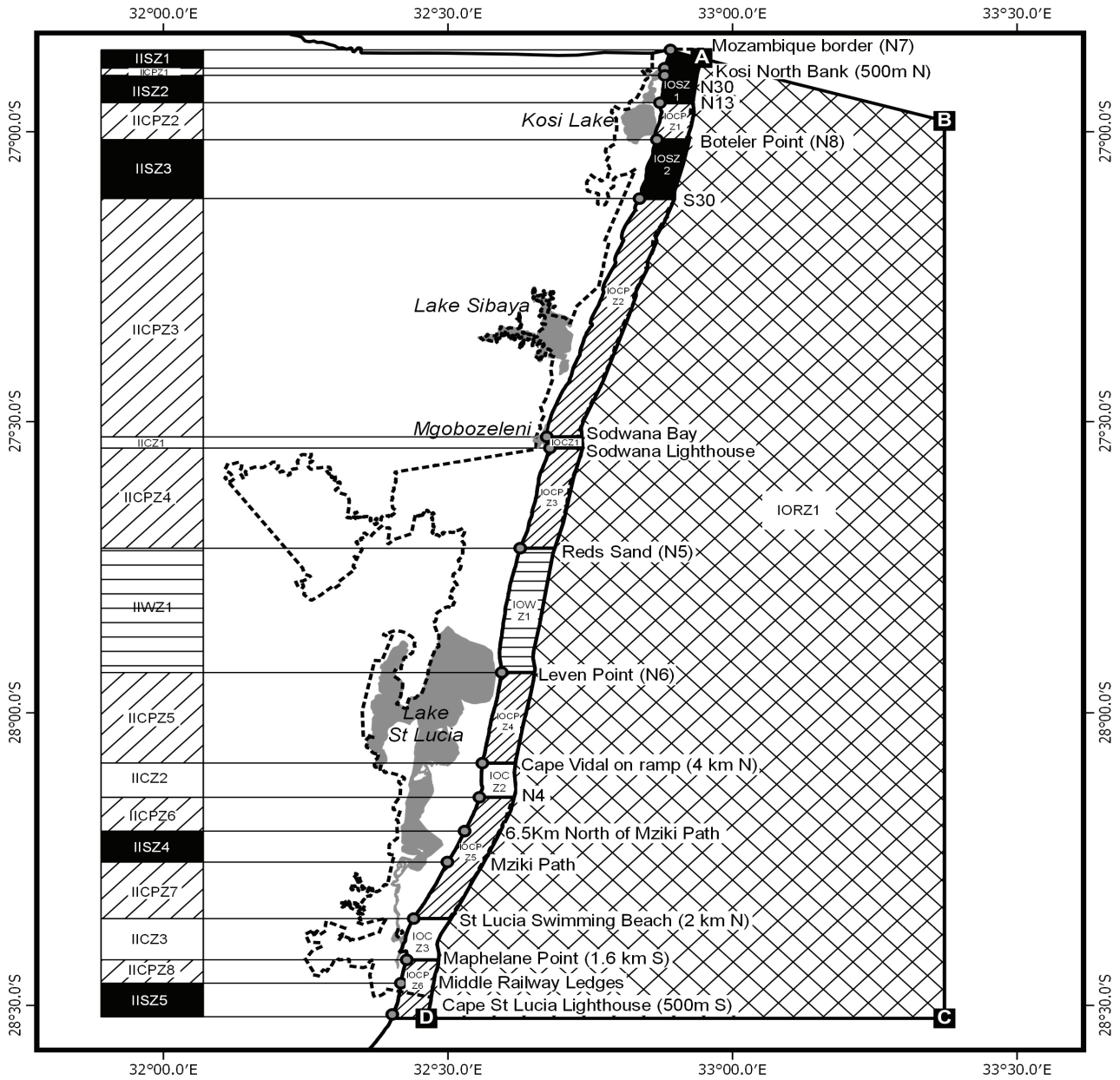


Fig. 1. The proposed zonation of the iSimangaliso Marine Protected Area (MPA)

Zonation of the iSimangaliso Marine Protected Area

The Marine Protected Area zonation is aligned with the zones determined in the iSimangaliso Integrated Management Plan, with the exception of a slight extension southward of St Lucia, the change in name from 'Restricted' to 'Controlled Pelagic' zone and the addition of a large offshore 'Restricted' zone beyond three nautical miles.

Southern Extension

The extension from the south-western boundary involves a continuation of the existing Integrated Management Plan zonation from the high water mark inshore and three nautical miles offshore to a line (090° true bearing) drawn from a point approximately 500 meters south of the Cape St Lucia Lighthouse to point D. The Inshore Sanctuary zone (IISZ5) and the offshore Controlled Pelagic zone (IOCPZ6) is extended south from the southern Park boundary to the new southern boundary of the Marine Protected Area, south of the Cape St Lucia Lighthouse.

Offshore Extension

The offshore extension, which is zoned as 'Restricted', (IORZ1) is bounded inshore by the line drawn from point A in the north, in a generally south-south-west direction maintaining a distance of three nautical miles seaward of the low water mark to point D in the south. The offshore boundary is a line drawn from point C in the south, directly to point B in the north. The northern boundary is a line approximately east-south east bearing joining points A and B, the southern boundary is a line at 090° joining points D and C.

A 26° 52' 21.37"S; 32° 56' 43.39"E

B 26° 58' 52.88"S; 33° 22' 20.69"E

C 28° 31' 20.71"S; 33° 22' 20.69"E

D 28° 31' 20.71"S; 32° 27' 43.05"E

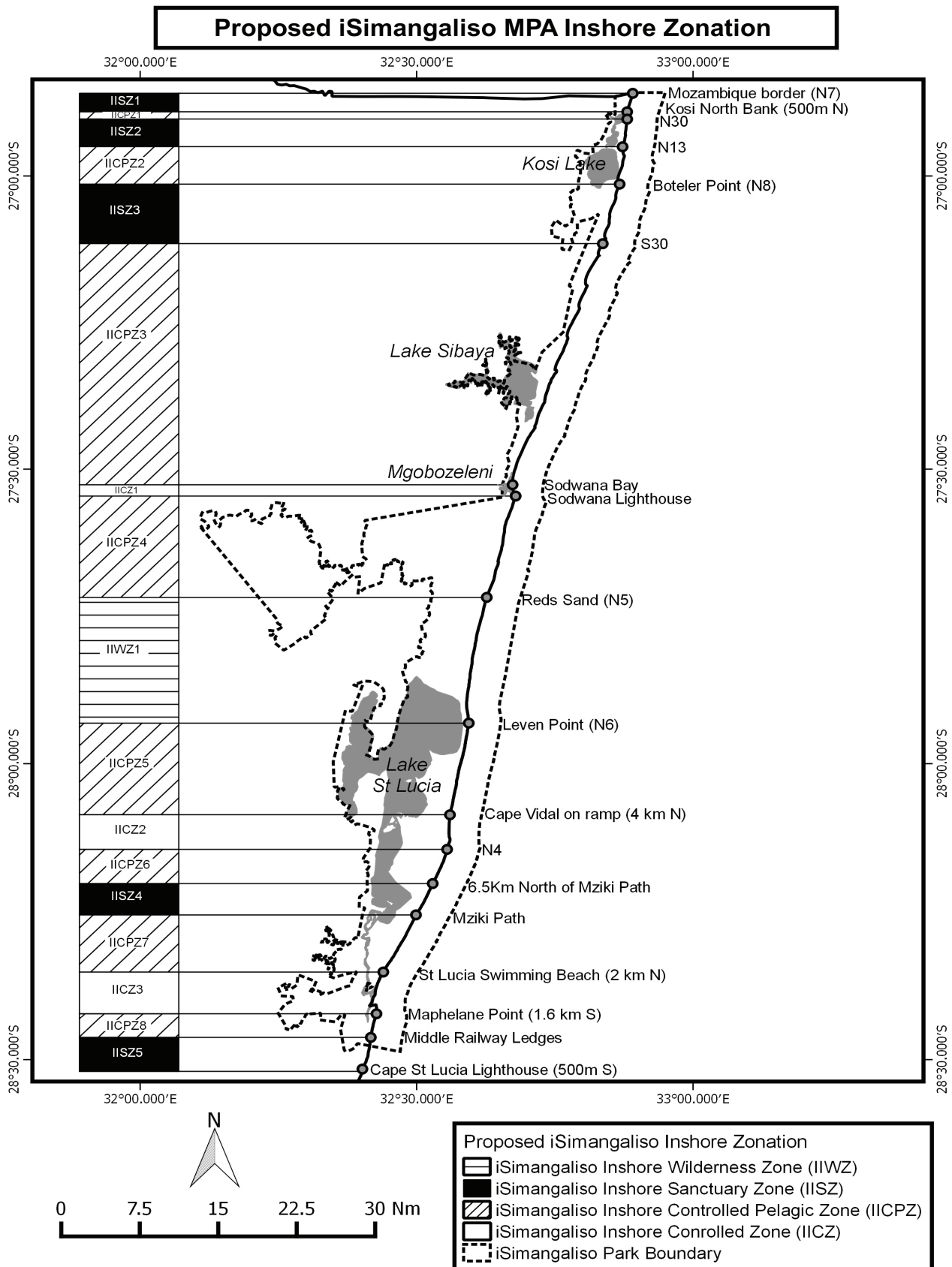


Fig. 2. The proposed inshore zonation of the iSimangaliso Marine Protected Area

1 Inshore iSimangaliso Marine Protected Area Zonation

The inshore zones described below lie between the high water mark and low water mark, with the exception of the Controlled Pelagic area (IICPZ1) described in paragraph 1(b) which extends 100 m seawards of the high water mark.

a) iSimangaliso Inshore Sanctuary Zone 1 (IISZ1)

A Sanctuary Area is situated between; as the northern limit, a line drawn east-south east from beacon N7 (26°51'30.89"S; 32°53'27.16"E) at the South African-Mozambique border, and as a southern limit, a similar line drawn at a bearing 090° from a point 500m north of the Kosi North Bank (26°53'24.67"S, 32°52'50.66"E).

b) iSimangaliso Inshore Controlled Pelagic Zone 1 (IICPZ1)

A Controlled Pelagic Area bounded by the high water mark and a line 100 m seawards of the high water mark, is situated between; as the northern limit, a line (090° true bearing) drawn from a point 500m north of the Kosi North Bank (26°53'24.67"S, 32°52'50.66"E), and as a southern limit, a similar line drawn from the beacon marked N30 at coordinates 26°54'90.83"S; 32°52'50.84"E, which is approximately 2 Km south of the mouth of the Kosi Lake.

c) iSimangaliso Inshore Sanctuary Zone 2 (IISZ2)

A Sanctuary Area is situated between, as a northern limit, a line (090° true bearing) drawn from the beacon marked N30 at coordinates 26°54'90.83"S; 32°52'50.84"E; and as a southern limit, a similar line drawn from the beacon marked N13 at coordinates 26°56'59.93"S; 32°52'20.93"E.

d) iSimangaliso Inshore Controlled Pelagic Zone 2 (IICPZ2)

A Controlled Pelagic Area is situated between, as a northern limit, a line (090° true bearing) drawn from the beacon marked N13 at coordinates 26°56'59.93"S; 32°52'20.93"E, and as a southern limit, a similar line drawn from the beacon marked N8 (27°00'50.11"S; 32°52'00.59"E), situated next to Boteler Point.

e) iSimangaliso Inshore Sanctuary Zone 3 (IISZ3)

A Sanctuary Area is situated between; as the northern limit a line drawn (090° true bearing) from the beacon marked N8 at coordinates 27°00'50.11"S; 32°52'00.59"E, and as a southern limit, a similar line drawn from the beacon marked S30 at coordinates 27°06'56.12"S; 32°50'11.87"E, situated 1 Km south of Dog Point.

f) iSimangaliso Inshore Controlled Pelagic Zone 3 (IICPZ3)

A Controlled Pelagic Area is situated between; as a northern limit, a line (090° true bearing) drawn from the beacon marked S30 at coordinates 27° 6'56.12"S; 32°50'11.87"E; and as a southern limit, a similar line drawn from a point with coordinates 27°31'34.97"S, 32°40'24.67"E, which is situated north of Sodwana Bay.

g) iSimangaliso Inshore Controlled Zone 1 (IICZ1)

A Controlled Area is situated between, as a northern limit, a line (090° true bearing) drawn from the point with coordinates 27°31'34.97"S, 32°40'24.67"E, which is situated north of Sodwana Bay, and as a southern limit, a similar line drawn from the Sodwana Lighthouse (27°32'44.23"S, 32°40'44.72"E).

h) iSimangaliso Inshore Controlled Pelagic Zone 4 (IICPZ4)

A Controlled Pelagic Area is situated between, as a northern limit, a line (090° true bearing) drawn from the Sodwana Lighthouse (27°32'44.23"S, 32°40'44.72"E) and; as a southern limit, a similar line drawn from the beacon at Red Sands marked N5 at coordinates 27°43'4.04"S; 32°37'36.59"E.

i) iSimangaliso Inshore Wilderness Zone 1 (IIWZ1)

A Wilderness Area is situated between; as a northern limit, a line (090° true bearing) drawn from the beacon at Red Sands marked N5 at coordinates 27°43'4.04"S; 32°37'36.59"E; and as a southern limit, similar line drawn from the beacon at Leven Point marked N6 (27°55'51.82"S; 32°35'39.52"E).

j) iSimangaliso Inshore Controlled Pelagic Zone 5 (IICPZ5)

A Controlled Pelagic Area is situated between; as a northern limit, a line (090° true bearing) drawn from beacon N6 (27°55'51.82"S; 32°35'39.52"E), situated at Leven Point; and as a southern limit, a similar line drawn from a point 4 Km north of the Cape Vidal on ramp (28° 05'11.04"S, 32°33'36.97"E).

k) iSimangaliso Inshore Controlled Zone 2 (IICZ2)

A Controlled Area is situated between; as a northern limit, a line (090° true bearing) drawn from a point 4 Km north of the Cape Vidal on ramp (28° 05'11.04"S, 32°33'36.97"E); and as a southern limit, a similar line drawn from the beacon marked N4 situated, approximately 1 Km south of Cape Vidal at coordinates 28° 8'41.61"S, 32°33'18.34"E.

l) iSimangaliso Inshore Controlled Pelagic Zone 6 (IICPZ6)

A Controlled Pelagic Area is situated between; as a northern limit, a line (090° true bearing) drawn from the beacon marked N4 situated, approximately 1 Km south of Cape Vidal (28° 08'41.61"S, 32°33'18.34"E); and as a southern limit, a similar line drawn from a point with coordinates 28°12'10.28"S, 32°31'42.02"E situated 6.5 Km north of Mziki Path.

m) iSimangaliso Inshore Sanctuary Zone 4 (IISZ4)

A Sanctuary Area is situated between; as a northern limit, a line (090° true bearing) drawn from a point with coordinates 28°12'10.28"S, 32°31'42.02"E situated 6.5 Km north of Mziki Path; and as southern limit, a similar line drawn from the Mziki Path (28°15'20.10"S; 32°29'55.74"E).

n) iSimangaliso Inshore Controlled Pelagic Zone 7 (IICPZ7)

A Controlled Pelagic Area is situated between; as a northern limit, a line (090° true bearing) drawn from the Mziki Path (28°15'20.10"S; 32°29'55.74"E); and as southern limit, a similar line drawn from a point with coordinates 28°21'70.63"S, 32°26'23.03"E situated 2 Km north of the St Lucia swimming beach .

o) iSimangaliso Inshore Controlled Zone 3 (IICZ3)

A Controlled Area is situated between; as a northern limit, a line (090° true bearing) drawn from a point 2 Km north of the St Lucia swimming beach (28°21'70.63"S, 32°26'23.03"E); and as a southern limit, a similar line drawn from a point with coordinates 28°25'21.33"S; 32°25'38.52"E located 1.6 Km south of Maphelane Point.

p) iSimangaliso Inshore Controlled Pelagic Zone 8 (IICPZ8)

A Controlled Pelagic Area is situated between; as a northern limit, a line (090° true bearing) drawn from a point 1.6 Km south of Maphelane Point (28°25'21.33"S; 32°25'38.52"E); and as a southern limit, a similar line drawn drawn from a point at Middle Railway Ledges (28°27'44.71"S; 32°25'1.78"E).

q) iSimangaliso Inshore Sanctuary Zone 5 (IISZ5)

A Sanctuary Area is situated between; as a northern limit, a line (090° true bearing) drawn from a point at Middle Railway Ledges (28°27'44.71"S; 32°25'1.78"E); and as a southern limit, a similar line drawn from a point approximately 500 m south of the Cape St Lucia Lighthouse (28°31'10.27"S, 32°24'10.53"E).

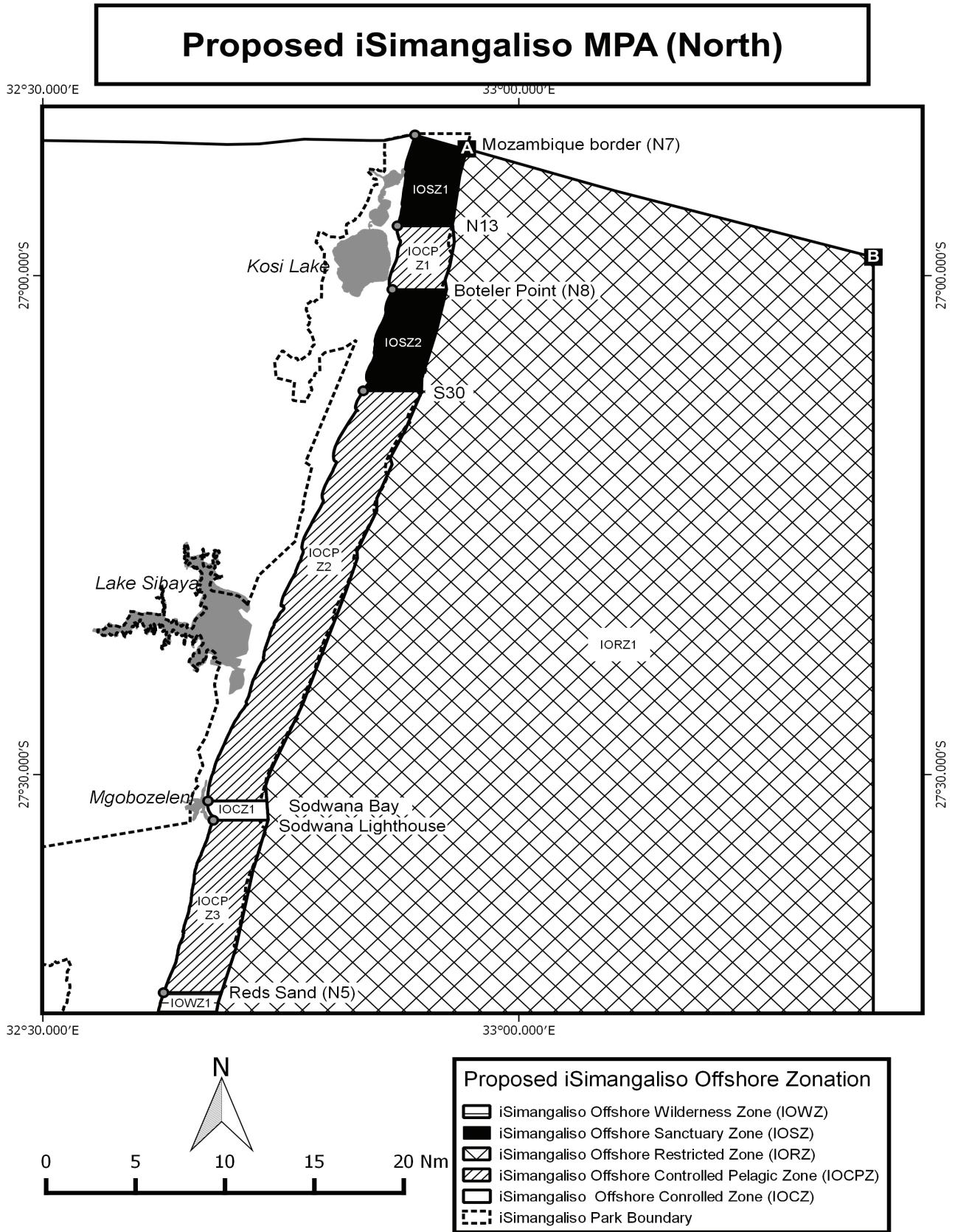


Fig. 3. The proposed offshore zonation of the iSimangaliso Marine Protected Area (North)

2 Offshore iSimangaliso Marine Protected Area Zonation

The offshore zones described below are bounded by the low water mark and a line drawn parallel and extending seawards to a distance of three nautical miles, except for the Restricted zone (IORZ1), described in paragraph 2(m), which extends beyond the three nautical mile to between 34 and 58 nautical miles.

a) iSimangaliso Offshore Sanctuary Zone 1 (IOSZ1)

A Sanctuary Area is situated between; as a northern limit, a line drawn approximately east-south east from beacon N7 (26°51'30.89"S; 32°53'27.16"E), situated at the South Africa-Mozambique border; and as a southern limit, a line drawn with 090° bearing from the beacon marked N13 at coordinates 26°56'59.93"S; 32°52'20.93"E.

b) iSimangaliso Offshore Controlled Pelagic Zone 1 (IOCPZ1)

A Controlled Pelagic Area is situated between; as a northern limit, a line (090° true bearing) drawn from the beacon marked N13 at coordinates 26°56'59.93"S; 32°52'20.93"E; and as a southern limit, a similar line drawn from the beacon marked N8 (27° 00'50.11"S; 32°52'00.59"E), situated next to Boteler Point.

c) iSimangaliso Offshore Sanctuary Zone 2 (IOSZ2)

A Sanctuary Area is situated between; as a northern limit, a line (090° true bearing) drawn from the beacon marked N8 at coordinates (27° 00'50.11"S; 32°52'00.59"E) situated next to Boteler Point; and as a southern limit, a similar line drawn from the beacon marked S30 (27° 06'56.12"S; 32°50'11.87"E) which is situated 1 Km south of Dog Point.

d) iSimangaliso Offshore Controlled Pelagic Zone 2 (IOCPZ2)

A Controlled Pelagic Area is situated between; as a northern limit, a line (090° true bearing) drawn from the beacon marked S30 (27°06'56.12"S; 32°50'11.87"E), situated 1 Km south of Dog Point; and as a southern limit, a similar line drawn from a point with coordinates 27°31'34.97"S, 32°40'24.67"E located north of Sodwana Bay.

e) iSimangaliso Offshore Controlled Zone 1 (IOCZ1)

A Controlled Area is situated between; as a northern limit, a line (090° true bearing) drawn from the point with coordinates 27°31'34.97"S, 32°40'24.67"E located north of Sodwana Bay; and as a southern limit, a similar line drawn from the Sodwana Lighthouse (27°32'44.23"S, 32°40'44.72"E).

f) iSimangaliso Offshore Controlled Pelagic Zone 3 (IOCPZ3)

A Controlled Pelagic Area is situated between; as a northern limit, a line (090° true bearing) drawn from the Sodwana Lighthouse (27°32'44.23"S, 32°40'44.72"E); and as a southern limit, a similar line drawn from the beacon at Red Sands marked N5 (27°43'4.04"S; 32°37'36.59"E).

g) iSimangaliso Offshore Wilderness Zone 1 (IOWZ1)

A Wilderness Area is situated between; as a northern limit, a line (090° true bearing) drawn from the beacon at Red Sands marked N5 (27°43'40.04"S; 32°37'36.59"E); and as a southern limit, a similar line drawn from the beacon at Leven Point marked N6 (27°55'51.82"S; 32°35'39.52"E).

Proposed iSimangaliso MPA (South)

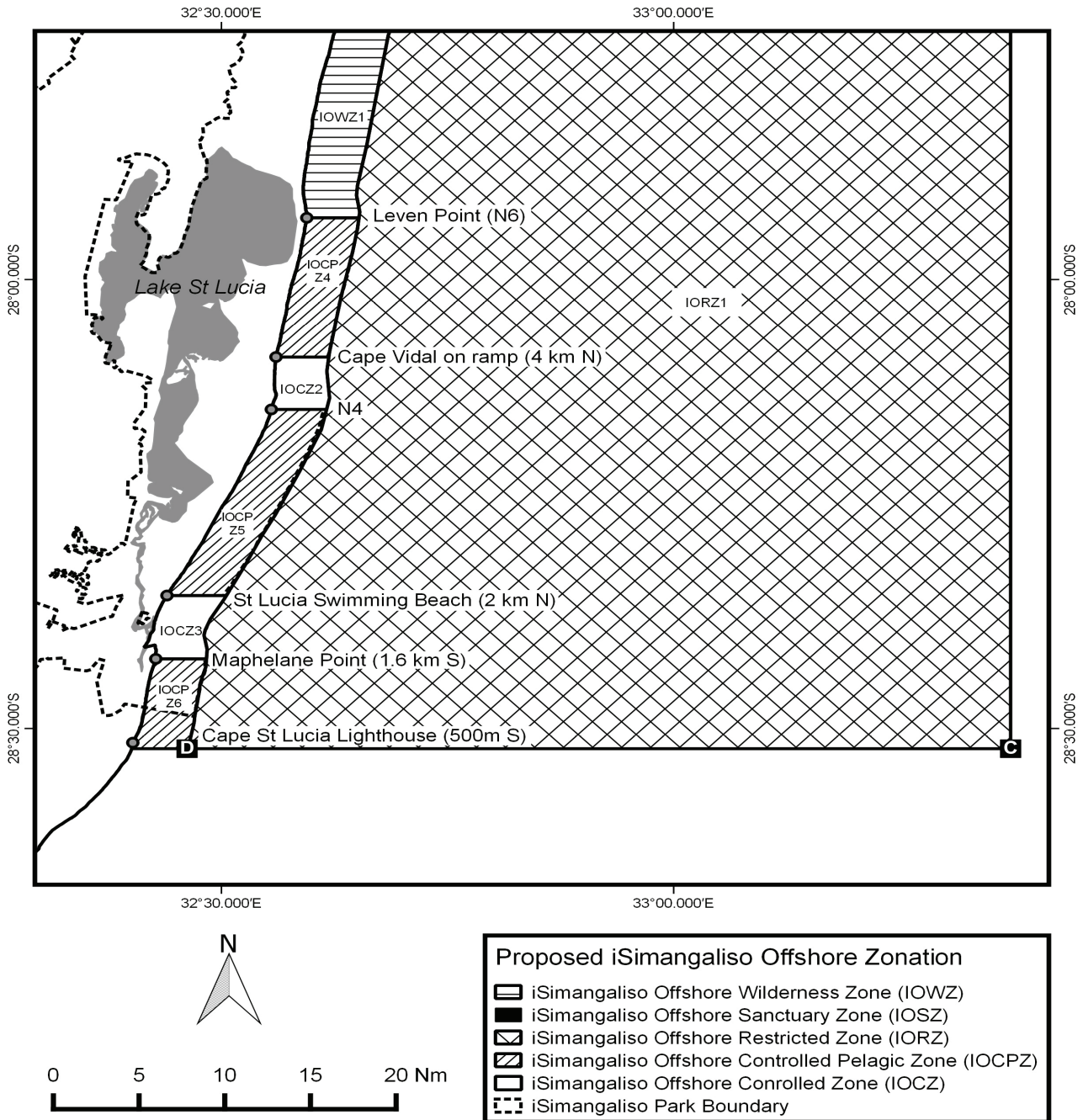


Fig. 4. The proposed offshore zonation of the iSimangaliso Marine Protected Area (South)

h) iSimangaliso Offshore Controlled Pelagic Zone 4 (IOCPZ4)

A Controlled Pelagic Area is situated between; as a northern limit, a line (090° true bearing) drawn from the N6 beacon (27°55'51.82"S; 32°35'39.52"E), situated at Leven Point; and as a southern limit, a similar line drawn from a point 4 Km north of the Cape Vidal on ramp (28° 05'11.04"S, 32°33'36.97"E).

i) iSimangaliso Offshore Controlled Zone 2 (IOCZ2)

A Controlled Area is situated between; as a northern limit, a line (090° true bearing) drawn from a point 4 Km north of the Cape Vidal on ramp; and as a southern limit a similar line drawn from the beacon marked N4 at coordinates 28° 08'41.61"S, 32°33'18.34"E, situated approximately 1 Km south of Cape Vidal.

j) iSimangaliso Offshore Controlled Pelagic Zone 5 (IOCPZ5)

A Controlled Pelagic Area is situated between; as a northern limit, a line (090° true bearing) drawn from the beacon marked N4 (28° 08'41.61"S, 32°33'18.34"E) which is approximately 1 Km south of Cape Vidal; and as a southern limit, a similar line drawn from a point 2 Km north of the St Lucia swimming beach (28°21'70.63"S, 32°26'23.03"E).

k) iSimangaliso Offshore Controlled Zone 3 (IOCZ3)

A Controlled Area is situated between; as a northern limit, a line (090° true bearing) drawn from a point 2 Km north of the St Lucia swimming beach; and as a southern limit, a similar line drawn from a point with coordinates 28°25'21.33"S; 32°25'38.52"E, situated 1.6 Km south of Maphelane Point .

l) iSimangaliso Offshore Controlled Pelagic Zone 6 (IOCPZ6)

A Controlled Pelagic Area is situated between; as a northern limit, a line (090° true bearing) drawn from a point with coordinates 28°25'21.33"S; 32°25'38.52"E, situated 1.6 Km south of Maphelane Point; and as a southern limit, a similar line drawn from a point (28°31'10.27"S, 32°24'10.53"E), approximately 500 m south of the Cape St Lucia Lighthouse.

m) iSimangaliso Offshore Restricted Zone 1 (IORZ1)

A Restricted Area is bounded inshore at a distance of three nautical miles from the low water mark by a line drawn from point A, in a generally south-south-west direction to point D; and offshore by a line drawn from point C in the south, directly to point B in the north. The northern boundary is a line joining points A and B, while the southern boundary is a similar line joining points D and C.

Annexure 2

iSimangaliso Fish List

Pelagic fish species list for the Controlled and Controlled-Pelagic Zones

This is a list of game and bait fish species that MAY be caught in the Controlled and Controlled Pelagic zones of the Marine Protected Area. Family names are given as all species in these families may be caught.

Pelagic gamefish species:

Scombridae – Tunas, mackerels, wahoo
Carangidae – kingfish, garrick, yellowtail, queenfish
Pomatomidae – Shad/elf
Coryphaenidae – Dorado/dolphin fish
Rachycentridae – Prodigal son/Cobia
Istiophoridae – Sailfish and marlin
Sphyraenidae – Barracudas

Pelagic baitfish species (includes *carangids* and *scombrids* as indicated above):

Atherinidae – silversides
Belonidae – garfish
Chirocentridae – wolf herring/slimy
Clupeidae – red-eyes, sardines
Engraulidae – anchovies, glass-noses/bonies
Exocoetidae - flyingfishes
Hemiramphidae – halfbeaks
Scomberesocidae - sauries

DEPARTMENT OF ENVIRONMENTAL AFFAIRS

NO. R. 119

03 FEBRUARY 2016

**NATIONAL ENVIRONMENTAL MANAGEMENT: PROTECTED AREAS
ACT, 2003
(ACT NO. 57 OF 2003)**

**DRAFT REGULATIONS FOR THE MANAGEMENT OF THE ROB BEN
ISLAND MARINE PROTECTED AREA**

I, Bomo Edith Edna Molewa, Minister of Environmental Affairs, hereby publish for public comment, the draft Regulations for the Management of the Robben Island Marine Protected Area in terms of sections 48A(2) and 86(1)(a), (b), (c) and (d) of the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003), as set out in the Schedule hereto.

Any person who wishes to submit representations or comments in connection with the draft regulations are invited to do so within 90 days from the date of publication in the *Government Gazette* and by no later than 16h00 on the last day. Comments received after this time may not be considered. All representations and comments must be submitted in writing to the Deputy Director-General of the Department of Environmental Affairs, Branch Oceans and Coasts:

By post to: The Deputy Director-General
Environmental Affairs
Oceans and Coasts
Attention: Xola Mkefe
P.O Box 52126
V and A Waterfront, Cape Town
8002

By hand: East Pier Building 2, East Pier Road, V&A
Waterfront, Cape Town

By e-mail to: MPARegs@environment.gov.za
Enquiries: Xola Mkefe 021 819 2466



**BOMO EDITH EDNA MOLEWA
MINISTER OF ENVIRONMENTAL AFFAIRS**

SCHEDULE

1. Definitions

In these Regulations, unless the context indicates otherwise, a word or expression that is defined in the Act bears the same meaning in these Regulations, and in addition-

“Act” means the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003);

“alpha flag” means the “diver down” flag used to indicate that diving operations are in progress and other vessels must keep clear;

“certificate of competence” means a certificate of competence as defined in the National Small Vessel Safety Regulations, 2007;

“certificate of fitness” means a certificate of fitness as defined in the National Small Vessel Safety Regulations, 2007;

“Controlled Zone” means an area within a marine protected area where fishing or any other activity in terms of section 48A(1) of the Act may take place if authorised in terms of these regulations as contemplated in terms of section 48A(2) of the Act.

“dive or diving” means to swim below the surface of the water, or to enter the water with the aid of, or use of prohibited gear;

“environment” has the meaning assigned to it in section 1 of the National Environmental Management Act;

“fish” means any aquatic plant or animal whether piscine or not, and any mollusc, crustacean, coral, sponge, holothurian or other echinoderm, reptile and includes their eggs, larvae and all juvenile stages, but does not include sea birds, seals or any marine mammal;

“fishing” or to **“fish”** means—

- (a) searching for, catching, taking or harvesting fish or an attempt to any such activity;
- (b) engaging in any other activity which can reasonably be expected to result in the locating, catching, taking or harvesting of fish;
- (c) placing, searching for or recovering any fish aggregating device or associated gear, including radio beacons;

- (d) any operation in support or in preparation of any activity described in this definition; or
- (e) the use of an aircraft in relation to any activity described in this definition;

“hovercraft” means a craft that floats on a cushion of air and is capable of traversing water;

“Integrated Coastal Management Act” means the National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008);

“management authority” means South African National Parks as designated in regulation 10;

“Marine Living Resources Act” means the Marine Living Resources Act, 1998 (Act No. 18 of 1998);

“Marine Protected Area” means the Robben Island Marine Protected Area as declared by the Minister in terms of section 22A of the Act;

“Marine Traffic Act” means the Marine Traffic Act, 1981 (Act No. 2 of 1981);

“National Small Vessel Safety Regulations” means the Merchant Shipping (National Small Vessel Safety) Regulations, 2007, published in terms of section 356 of the Merchant Shipping Act, 1951 (Act No. 57 of 1951) and promulgated in Government Notice No. R. 705 of 8 August 2007;

“operate” in respect of a vessel, includes mooring in the water, drifting in the water and ascending or descending from its mooring, the shore, launch site, a buoy or a jetty;

“personal watercraft” means a vessel that uses an inboard motor powering a water jet pump as its primary source of propulsion, and is designed to be operated by a person or persons sitting, standing, or kneeling on rather than within the confines of a hull;

“prohibited gear” means dive torches, artificial breathing apparatus, weight belts or weights, bags used for underwater collection of fish, shucking tools or any tool that could be used for the collection of fish;

“port” shall have the meaning assigned to it in the Integrated Coastal Management Act;

“RICZ” means the Robben Island Controlled Zone;

“**RIRZ**” means the Robben Island Restricted Zone;

“**SCUBA Diving**” means swimming below the surface of the water, with the aid of compressed or pumped air or other gasses;

“**vessel**” means a waterborne craft of any kind whether a surface craft or submarine, and whether self-propelled or not, and includes any moored floating structure that can be used as a means of transport by water and includes a hovercraft and personal watercraft;

“**WGS 84**” means the World Geodetic System of 1984 (G730), which is a geographic co-ordinate system.

2. Zonation within the Marine Protected Area

The Marine Protected Area consists of two (2) Controlled Zones and one (1) Restricted Zone which are determined by using WGS 84 as detailed in Annexure 1 hereto as follows:

- (a) one (1) Restricted Zone, indicated as the Robben Island Restricted Zone (RIRZ);
- (b) one (1) Controlled Zone, indicated as the Robben Island Controlled Zone 1 (RICZ 1); and
- (c) one (1) Controlled Zone, indicated as the Robben Island Controlled Zone 2 (RICZ 2).

3. Scientific research permit

- (1) No person may undertake any scientific research within the Marine Protected Area, except on the authority of a scientific research permit issued by the Minister.
- (2) Application for a scientific research permit in terms of sub-regulation (1); must be made to the Minister in accordance with the provisions of section 83 of the Marine Living Resources Act or any regulations published under the Integrated Coastal Management Act.

4. General restrictions within the Marine Protected Area

- (1) The owner, skipper or operator of a vessel shall not enter or operate a vessel in the Marine Protected Area without a valid certificate of competence and a certificate of fitness issued in respect of such vessel, and such original certificates must be available for inspection at all times.
- (2) A vessel shall not enter the Marine Protected Area unless the marking approved for that vessel in accordance with the provisions of the Merchant Shipping Act, 1951 (Act No. 57 of 1951), is displayed on the vessel at all times while the vessel is inside the Marine Protected Area.
- (3) The owner, skipper or operator of a vessel shall not enter or operate a vessel in the Marine Protected Area unless such vessel and any other equipment or contents of such vessel, comply with the safety and other requirements specified in the Merchant Shipping Act, 1951 (Act No. 57 of 1951) for such vessel.

5. Use of vessels

- (1) No person may moor or anchor any vessel in the Marine Protected Area except—
 - (a) under conditions of *force majeure*; or
 - (b) for the use of a vessel by an employee of the Department or any other organ of state acting in the course and scope of their employment or mandate.
- (2) Despite sub-regulation (1), the management authority may on such conditions as it may deem appropriate, authorise the anchoring or mooring of a vessel in the following circumstances:
 - (a) in an emergency; or
 - (b) where *the* management authority may deem it to be necessary in order to ensure the proper management of the Marine Protected Area.
- (3) The management authority may verbally authorise a vessel to moor or anchor within the Marine Protected Area as contemplated in sub-regulation (2), which verbal authorisation must be confirmed in writing within 3 working days.

- (4) Sub-regulations (1) and (2) shall not apply to a vessel moored or anchored in a recognized and approved mooring or anchoring site in terms of the Marine Traffic Act, for a vessel that is waiting to berth in a port, and authorisation has been granted by the National Ports Authority of South Africa for such vessel to moor and anchor at such site.
- (5) No person may use a personal watercraft in the RIRZ or the RICZ 2.

6. Restriction of activities

No person may undertake any activity listed in section 48A(1) of the Act, in the Marine Protected Area, unless authorised in terms of these regulations.

7. Control of activities in the RIRZ

- (1) No person shall fish, or attempt to fish, in the RIRZ.
- (2) Fishing gear onboard a vessel or in possession of any person that enters or is present in the RIRZ must be stowed in the following manner -
 - (a) in the case of line fishing from a vessel, all hooks, lures, and weights are disconnected from the line, all the line is reeled onto the reel or rolled up, and that rolled up line, hooks, lures, bait and weights on the vessel are placed away in the cabin, wheel house or console of the vessel;
 - (b) in the case of purse-seine fishing, the boom shall be lowered as far as possible so that the vessel cannot be used for fishing but so that the skiff is accessible for use in emergency situations;
 - (c) in the case of a trawl fishing, all nets, trawl boards and weights shall be disconnected from their towing or hauling wires, ropes or rigid frames and either stowed below deck or securely lashed to some part of the superstructure of the fishing vessel;

- (d) in the case of rock lobster fishing, all traps shall be on board and tied down; and all dinghies shall be on board and securely lashed to some part of the superstructure of the fishing vessel;
- (e) in the case of fishing with traps other than rock lobster traps, all traps shall be on board and tied down;
- (f) in the case of longline fishing, all gear shall be covered and the cover secured; and
- (g) in the case of abalone fishing, all gear on the vessel is placed away in the cabin, wheel house or console of the vessel.

8. Control of activities in Controlled Zones

- (1) No person shall fish, or attempt to fish, from a vessel in the RICZ 1 unless:
 - (a) they are in possession of a valid commercial or small scale fishing permit for yellowtail, snoek or abalone, issued in terms of the Marine Living Resources Act and such permit authorises fishing within the RICZ 1 of the Marine Protected Area; or
 - (b) they are in possession of a valid recreational fishing permit which authorises fishing for yellowtail or snoek, issued in terms of the Marine Living Resources Act.
- (2) No person shall fish, or attempt to fish, from a vessel or the shore in the RICZ 2 unless they are in possession of a valid commercial or small scale fishing permit for abalone, issued in terms of the Marine Living Resources Act and such permit authorises fishing within the RICZ 2 of the Marine Protected Area.
- (3) No person shall undertake recreational fishing in the period between 18h00 in the evening and 06h00 of the following day.
- (4) Fishing gear onboard a vessel or in possession of any person that enters or is present in the RICZ 1 or 2 and who is not authorised to fish in terms of sub-regulations (1) or (2), must be stowed in accordance with regulation 7(2).

9. SCUBA diving

- (1) Subject to regulation 8(1) and 8(2) and sub-regulation (5), no person shall engage in SCUBA diving or diving in the Marine Protected Area.
- (2) Any person who undertakes –
 - (a) scientific research and monitoring;
 - (b) salvage operations;
 - (c) maintenance of legal underwater infrastructure;
 - (d) underwater photography; or
 - (e) any other activity authorised in terms of legislation, apart from commercial or small-scale fishing for abalone;must apply to the management authority for a permit to engage in diving, SCUBA diving or be in possession of prohibited gear in the Marine Protected Area.
- (3) Any vessel that has deployed divers in the Marine Protected Area must display an alpha flag.

10. Management authority

South African National Parks is hereby formally designated as the management authority for the Marine Protected Area in terms of section 38(1)(aB) of the Act.

11. Suspension, amendment and cancellation of permits

- (1) Subject to sub-regulations (2) and (3), a permit issued under these regulations may be suspended, cancelled or amended at any time.
- (2) A permit issued in terms of these regulations may be suspended, cancelled or amended, if—

- (a) the Minister or management authority is satisfied on the basis of information that was not considered when the permit was issued, that it is necessary or desirable to suspend, cancel or amend the permit to prevent deterioration or further deterioration of the environment within the Marine Protected Area;
 - (b) other similar permits held by other persons have also been reviewed and the suspension, cancellation or amendment does not unfairly discriminate against the holder in relation to other holders of similar permits;
 - (c) the permit holder is in breach of a condition contained in the permit;
 - (d) the permit holder provided incorrect or false information in the application for the permit;
 - (e) the holder of a permit has been convicted of an offence in terms of the Act, the National Environmental Management Act or a specific environmental management Act or any regulations issued thereunder; or
 - (f) the reason for the issuing of the permit no longer exists.
- (3) A permit issued in terms of these regulations may be amended—
- (a) if an error needs to be corrected or rectified;
 - (b) at the request of the applicant;
 - (c) for the proper management and implementation of these regulations; or
 - (d) where the conditions or circumstances have changed since the original permit was issued.

12. Offences and penalties

In addition to any offence in terms of section 89 of the Act, any person who contravenes or fails to comply with—

- (a) regulations 3(1), 4, 5(1), 5(5), 6, 7, 8, or 9;

- (b) a condition mentioned in a permit issued in terms of these regulations; or
- (c) a prohibition, instruction, rule or order imposed, given or issued under these regulations;

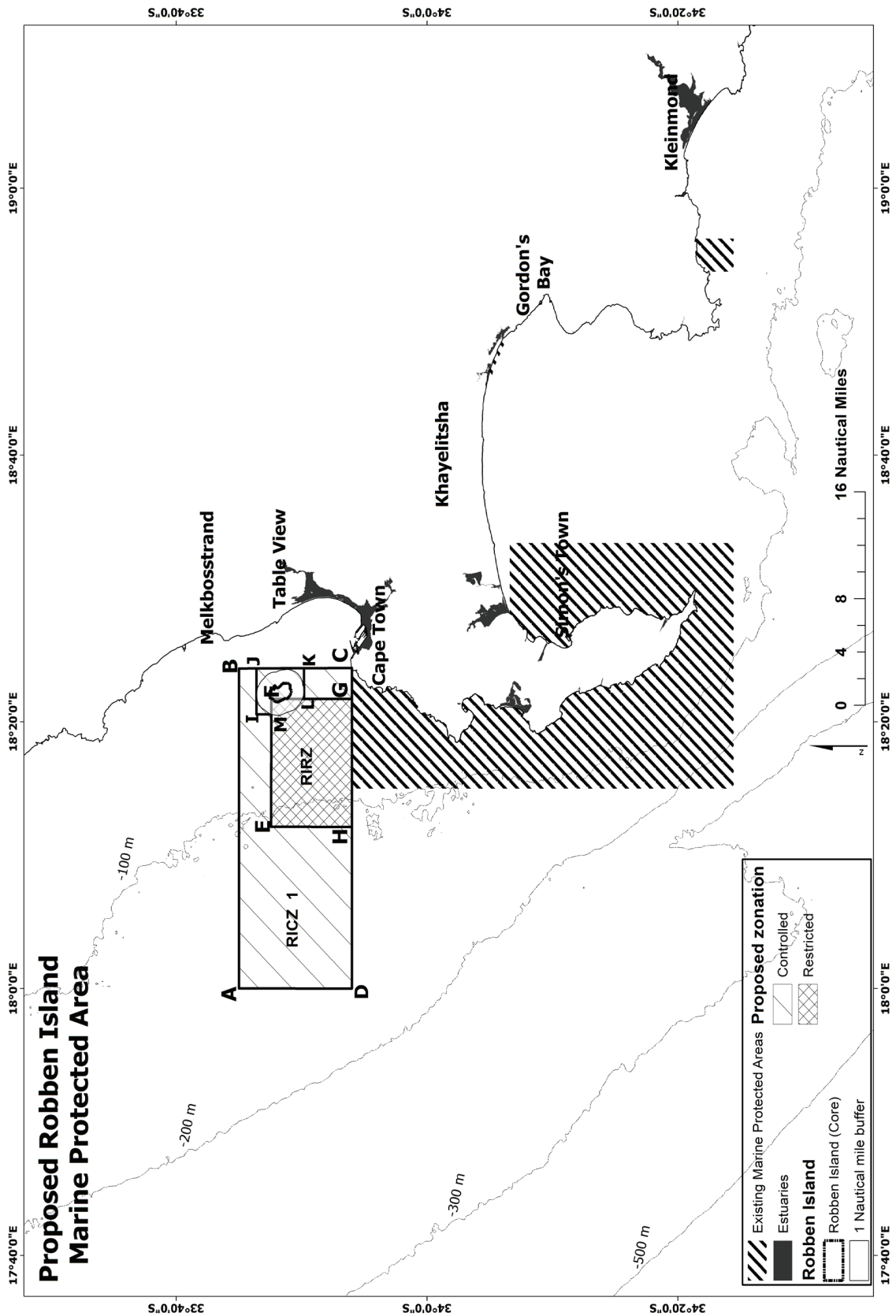
is guilty of an offence and liable in the case of a first conviction to a fine not exceeding R5 million or to imprisonment for a period not exceeding five years and in the case of a second or subsequent conviction to a fine not exceeding R10 million or imprisonment for a period not exceeding 10 years or in both instances to both a fine and such imprisonment.

13. Short title and commencement

These regulations are called the Robben Island Marine Protected Area Regulations and commence upon date of publication in the *Gazette*.

Annexure 1**(Zonation of Robben Island Marine Protected Area)**

- 1) **Robben Island Restricted Zone (RIRZ)** is bounded by a series of straight lines sequentially joining the following four coordinates: (E) 33° 47.58' S, 18° 12.12' E; (F) 33° 47.58' S, 18° 21.72' E; (G) 33° 54' S, 18° 21.72' E; and (H) 33° 54' S, 18° 12.12' E.
- 2) **Robben Island Controlled Zone 1 (RICZ1)** is bounded by a series of straight lines sequentially joining the following eight coordinates: (A) 33° 45' S, 18° 0' E; (B) 33° 45' S, 18° 24' E; (C) 33° 54' S, 18° 24.06' E; (G) 33° 54' S, 18° 21.72' E; (F) 33° 47.58' S, 18° 21.72' E; (E) 33° 47.58' S, 18° 12.12' E; (H) 33° 54' S, 18° 12.12' E; and (D) 33° 54' S, 18° 0' E, linking point (A) to point (D).
- 3) **Robben Island Controlled Zone 2 (RICZ 2)** is bounded by a series of straight lines sequentially joining the following six coordinates: (I) 33° 46.38' S, 18° 20.58' E; (J) 33° 46.38' S, 18° 24' E; (K) 33° 50.16' S, 18° 24' E; (L) 33° 50.22' S, 18° 21.72' E; (F) 33° 47.58' S, 18° 21.72' E; and (M) 33° 47.58' S, 18° 20.58' E; linking point (I) to point (M).



DEPARTMENT OF ENVIRONMENTAL AFFAIRS

NO. R. 120

03 FEBRUARY 2016

**NATIONAL ENVIRONMENTAL MANAGEMENT: PROTECTED AREAS ACT, 2003
(ACT NO. 57 OF 2003)****DRAFT NOTICE DECLARING THE SOUTHWEST INDIAN SEAMOUNT MARINE
PROTECTED AREA UNDER SECTION 22A OF THE NATIONAL
ENVIRONMENTAL MANAGEMENT: PROTECTED AREAS ACT, 2003 (ACT NO.
57 OF 2003)**

I, Bomo Edith Edna Molewa, Minister of Environmental Affairs, hereby publish for public comment, the intention to declare under section 22A of the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003), the Southwest Indian Seamount Marine Protected Area as set out in the Schedule hereto.

Any person who wishes to submit representations or comments in connection with the proposed declaration is invited to do so within 90 days from the date of publication in the *Government Gazette* and by no later than 16h00 on the last day. Comments received after this time may not be considered. All representations and comments must be submitted in writing to the Deputy Director-General of the Department of Environmental Affairs, Branch Oceans and Coasts:

By post to: **The Deputy Director-General
Environmental Affairs
Oceans and Coasts
Attention: Xola Mkefe
P.O Box 52126
V and A Waterfront, Cape Town
8002**

By hand: **East Pier Building 2, East Pier Road, V&A
Waterfront, Cape Town**

By e-mail to: **MPARegs@environment.gov.za**
Enquiries: **Xola Mkefe 021 819 2466**



**BOMO EDITH EDNA MOLEWA
MINISTER OF ENVIRONMENTAL AFFAIRS**

SCHEDULE

All geographic co-ordinates are determined in accordance with the *WGS 84* datum, and all bearings are true bearings as set out in Annexure 1 hereto.

Boundaries of the Marine Protected Area

The Southwest Indian Seamount Marine Protected Area in the Western Cape is an offshore Marine Protected Area in the 1200m to 5000m depth range lying approximately 93 nautical miles South of Stilbaai. The Southwest Indian Seamount Marine Protected Area is comprised of three separate areas, indicated as SWIS 1, SWIS 2 and SWIS 3 in Annexure 1 as follows:

- a) SWIS 1 is bounded by a series of straight lines sequentially joining the following four coordinates: (A) 35° 53' S, 21° 40' E; (B) 35° 53' S, 22° 37' E; (C) 36° 22' S, 22° 37' E; and (D) 36° 22' S, 21° 40' E;
- b) SWIS 2 is bounded by a series of straight lines sequentially joining the following four coordinates: (A) 36° 10' S, 23° 14' E; (B) 36° 10' S, 23° 40' E; (C) 36° 35' S, 23° 14' E; and (D) 36° 35' S, 23° 14' E; and
- c) SWIS 3 is bounded by a series of straight lines sequentially joining the following four coordinates: (A) 37° 10' S, 22° 0' E; (B) 37° 10' S, 22° 35' E; (C) 37° 40' S, 22° 35' E; and (D) 37° 45' S, 22° 0' E.

The areas include the sea bed, water column and subsoil within these boundaries.

Purpose

The purpose for declaring this Marine Protected Area is:

- (a) To contribute to a national and global representative system of marine protected areas by providing protection to the benthic and pelagic ecosystems of the shelf edge, slope and abyss of this region;
- (b) to conserve and protect rocky shelf edge, seamount and associated deep sea ecosystems;
- (c) to conserve and protect the biodiversity and ecological processes associated with these ecosystems;
- (d) to conserve and protect an area of life history importance for migratory species including seabirds, turtles, sharks and other fish; and
- (e) to protect and provide an appropriate environment for research and monitoring particularly research on ecosystem description, resilience and change.

Annexure 1:

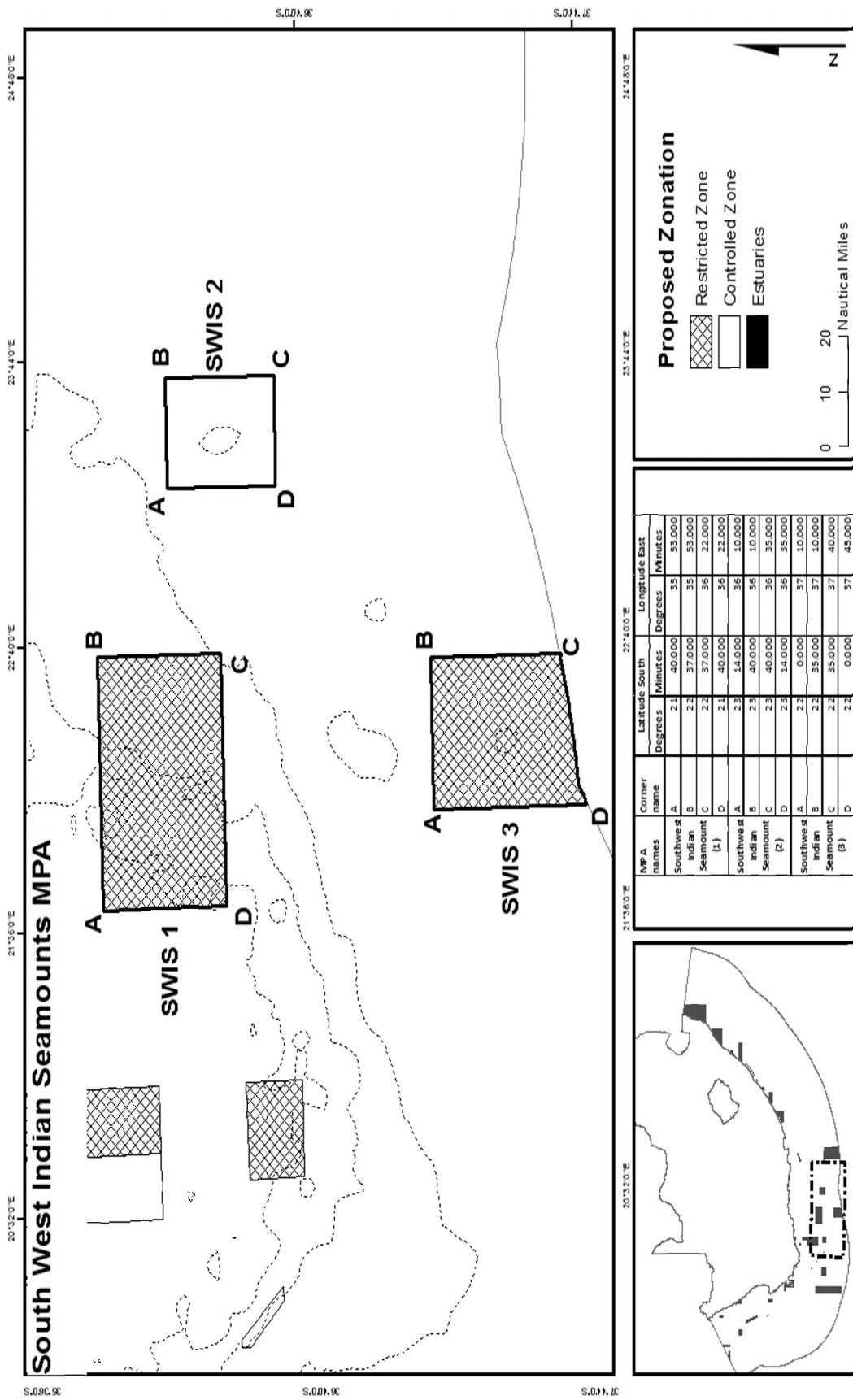


Fig. 1. The proposed boundaries for the Southwest Indian Seamount Marine Protected Area

Table 1. The exact geographic coordinates (WGS 84) of points SWIS 1 A-D and SWIS 2 A-D and SWIS 3 A-D in Fig 1.

MPA names	Corner name	Latitude	Longitude	Latitude South		Longitude East	
		Decimal Degrees	Decimal Degrees	Degrees	Minutes	Degrees	Minutes
Southwest Indian Seamount (1)	A	21.667	-35.892	21	40.000	35	53.000
	B	22.624	-35.892	22	37.000	35	53.000
	C	22.624	-36.367	22	37.000	36	22.000
	D	21.667	-36.367	21	40.000	36	22.000
Southwest Indian Seamount (2)	A	23.233	-36.167	23	14.000	36	10.000
	B	23.667	-36.167	23	40.000	36	10.000
	C	23.667	-36.583	23	40.000	36	35.000
	D	23.200	-36.583	23	14.000	36	35.000
Southwest Indian Seamount (3)	A	22.000	-37.167	22	0.000	37	10.000
	B	22.583	-37.167	22	35.000	37	10.000
	C	22.583	-37.667	22	35.000	37	40.000
	D	22.000	-37.750	22	0.000	37	45.000

DEPARTMENT OF ENVIRONMENTAL AFFAIRS

NO. R. 121

03 FEBRUARY 2016

**NATIONAL ENVIRONMENTAL MANAGEMENT: PROTECTED AREAS ACT,
2003
(ACT NO. 57 OF 2003)**

**DRAFT REGULATIONS FOR THE MANAGEMENT OF THE SOUTHWEST
INDIAN SEAMOUNT MARINE PROTECTED AREA**

I, Bomo Edith Edna Molewa, Minister of Environmental Affairs, hereby publish for public comment, the draft Regulations for the Management of the Southwest Indian Seamount Marine Protected Area in terms of sections 48A(2) and 86(1)(a), (b), (c) and (d) of the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003), as set out in the Schedule hereto.

Any person who wishes to submit representations or comments in connection with the draft regulations are invited to do so within 90 days from the date of publication in the *Government Gazette* and by no later than 16h00 on the last day. Comments received after this time may not be considered. All representations and comments must be submitted in writing to the Deputy Director-General of the Department of Environmental Affairs, Branch Oceans and Coasts:

By post to: **The Deputy Director-General
Environmental Affairs
Oceans and Coasts
Attention: Xola Mkefe
P.O Box 52126
V and A Waterfront, Cape Town
8002**

By hand: **East Pier Building 2, East Pier Road, V&A
Waterfront, Cape Town**

By e-mail to: **MPARegs@environment.gov.za**
Enquiries: **Xola Mkefe 021 819 2466**



**BOMO EDITH EDNA MOLEWA
MINISTER OF ENVIRONMENTAL AFFAIRS**

Schedule

1. Definitions

In these Regulations, unless the context indicates otherwise, a word or expression that is defined in the Act bears the same meaning in these Regulations, and in addition-

“Act” means the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003);

“certificate of competence” means a certificate of competence as defined in the National Small Vessel Safety Regulations, 2007;

“certificate of fitness” means a certificate of fitness as defined in the National Small Vessel Safety Regulations, 2007;

“Controlled Zone” means an area within a marine protected area where fishing or any other activity in terms of section 48A(1) of the Act may take place if authorised in terms of these regulations as contemplated in terms of section 48A(2) of the Act;

“environment” has the meaning assigned to it in section 1 of the National Environmental Management Act;

“fish” means any aquatic plant or animal whether piscine or not, and any mollusc, crustacean, coral, sponge, holothurian or other echinoderm, reptile and includes their eggs, larvae and all juvenile stages, but does not include sea birds, seals or any marine mammal;

“fishing” or to **“fish”** means—

- (a) searching for, catching, taking or harvesting fish or an attempt to any such activity;
- (b) engaging in any other activity which can reasonably be expected to result in the locating, catching, taking or harvesting of fish;
- (c) placing, searching for or recovering any fish aggregating device or associated gear, including radio beacons;
- (d) any operation in support or in preparation of any activity described in this definition; or
- (e) the use of an aircraft in relation to any activity described in this definition;

“hovercraft” means a craft that floats on a cushion of air and is capable of traversing water;

“Integrated Coastal Management Act” means the National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008);

“Marine Living Resources Act” means the Marine Living Resources Act, 1998 (Act No. 18 of 1998);

“Marine Protected Area” means the Southwest Indian Seamount Marine Protected Area as declared by the Minister in terms of section 22A of the Act;

“National Small Vessel Safety Regulations” means the Merchant Shipping (National Small Vessel Safety) Regulations, 2007, published in terms of section 356 of the Merchant Shipping Act, 1951 (Act No. 57 of 1951) and promulgated in Government Notice No. R. 705 of 8 August 2007;

“operate” in respect of a vessel, includes mooring in the water, drifting in the water and ascending or descending from its mooring, the shore, launch site, a buoy or a jetty;

“personal watercraft” means a vessel that uses an inboard motor powering a water jet pump as its primary source of propulsion, and is designed to be operated by a person or persons sitting, standing, or kneeling on rather than within the confines of a hull;

“Restricted Zone” means an area within the Marine Protected Area where no fishing may take place, but where any other activity in terms of section 48A(1) of the Act may take place if authorised in terms of these regulations as contemplated in terms of section 48A(2) of the Act;

“SWIS 1 –RZ1” means Southwest Indian Seamount Restricted Zone 1;

“SWIS 3 – RZ2” means Southwest Indian Seamount Restricted Zone 2;

“SWIS 2 -CZ” means Southwest Indian Seamount Controlled Zone;

“vessel” means a waterborne craft of any kind whether a surface craft or submarine, and whether self-propelled or not, and includes any moored floating structure that can be used as a means of transport by water and includes a personal watercraft and hovercraft; and

“WGS 84” means the World Geodetic System of 1984 (G730), which is a geographic co-ordinate system.

2. Zonation within the Marine Protected Area

The Marine Protected Area consists of two (2) offshore Restricted Zones and one (1) offshore Controlled Zone, which are determined by using WGS 84 as detailed in Annexure 1 hereto as follows:

- (a) Restricted Zone 1, indicated as the Southwest Indian Seamount Restricted Zone 1 (SWIS 1 –RZ1);
- (b) Restricted Zone 2, indicated as the Southwest Indian Seamount Restricted Zone 2 (SWIS 3 – RZ2); and
- (c) Controlled Zone, indicated as the Southwest Indian Seamount Controlled Zone (SWIS 2–CZ).

3. Scientific research permit

- (1) No person may undertake any scientific research within the Marine Protected Area, except on the authority of a scientific research permit issued by the Minister.
- (2) Application for a scientific research permit in terms of sub-regulation (1); must be made to the Minister in accordance with the provisions of section 83 of the Marine Living Resources Act or any regulations published under the Integrated Coastal Management Act.

4. General restrictions within the Marine Protected Area

- (1) The owner, skipper or operator of a vessel shall not enter or operate a vessel in the Marine Protected Area without a valid certificate of competence and a certificate of fitness issued in respect of such vessel, and such original certificates must be available for inspection at all times.
- (2) A vessel shall not enter the Marine Protected Area unless the marking approved for that vessel in accordance with the provisions of the Merchant Shipping Act, 1951 (Act No. 57 of 1951), is displayed on the vessel at all times while the vessel is inside the Marine Protected Area.

- (3) The owner, skipper or operator of a vessel shall not enter or operate a vessel in the Marine Protected Area unless such vessel and any other equipment or contents of such vessel, comply with the safety and other requirements specified in the Merchant Shipping Act, 1951 (Act No. 57 of 1951) for such vessel.

5. Use of vessels

- (1) No person may moor or anchor any vessel in the Marine Protected Area except—
 - (a) under conditions of *force majeure*; or
 - (b) for the use of a vessel by an employee of the Department or any other organ of state acting in the course and scope of their employment or mandate.
- (2) Despite sub-regulation (1), the Minister may on application and on such conditions as he or she may deem appropriate, authorise the anchoring or mooring of a vessel in the following circumstances—
 - (a) in an emergency; or
 - (b) where the Minister may deem it to be necessary in order to ensure the proper management of the Marine Protected Area.
- (3) The Minister may verbally authorise a vessel to moor or anchor within the Marine Protected Area as contemplated in sub-regulation (2), which verbal authorisation must be confirmed in writing within 3 working days.

6. Restriction of activities

No person may undertake any activity listed in section 48A(1) of the Act, in the Marine Protected Area, unless authorised to do so in terms of these regulations.

7. Control of activities in Restricted Zone

- (1) No person shall fish, or attempt to fish, in the SWIS 1–RZ1 and SWIS 3–RZ2.

- (2) Fishing gear onboard a vessel or in possession of any person that enters or is present in the SWIS 1–RZ1 and SWIS 3-RZ2 must be stowed in the following manner:
- (a) In the case of line fishing from a vessel, all hooks, lures, and weights are disconnected from the line, all the line is reeled onto the reel or rolled up, and that rolled up line, hooks, lures, bait and weights on the vessel are placed away in the cabin, wheel house or console of the vessel;
 - (b) in the case of purse-seine fishing, the boom shall be lowered as far as possible so that the vessel cannot be used for fishing but so that the skiff is accessible for use in emergency situations;
 - (c) in the case of a trawl fishing, all nets, trawl boards and weights shall be disconnected from their towing or hauling wires, ropes or rigid frames and either stowed below deck or securely lashed to some part of the superstructure of the fishing vessel;
 - (d) in the case of rock lobster fishing, all traps shall be on board and tied down; and all dinghies shall be on board and securely lashed to some part of the superstructure of the fishing vessel;
 - (e) in the case of fishing with traps other than rock lobster traps, all traps shall be on board and tied down; and
 - (f) in the case of longline fishing, all gear shall be covered and the cover secured.

8. Control of activities in Controlled Zone

- (1) No person shall fish, or attempt to fish, from a vessel in the SWIS 2-CZ unless—
- (a) they are in possession of a valid fishing permit in the large pelagic commercial fishing sector issued in terms of the Marine Living Resources Act and such permit authorises fishing within the SWIS 2–CZ of the Marine Protected Area ;
or

- (b) they are in possession of a valid recreational fishing permit issued in terms of the Marine Living Resources Act.
- (2) No person shall undertake recreational fishing in the SWIS 2-CZ in the period between 17h00 in the evening and 06h00 of the following day.
- (3) Fishing gear onboard a vessel or in possession of any person that enters or is present in the SWIS 2-CZ and who is not authorised to fish in terms of sub-regulation (1), must be stowed in accordance with regulation 7(2).

9. Suspension, amendment and cancellation of permits

- (1) Subject to sub-regulations (2) and (3), a permit issued under these regulations may be suspended, cancelled or amended at any time.
- (2) A permit issued in terms of these regulations may be suspended, cancelled or amended, if—
 - (a) the Minister is satisfied on the basis of information that was not considered when the permit was issued, that it is necessary or desirable to suspend, cancel or amend the permit to prevent deterioration or further deterioration of the environment within the Marine Protected Area;
 - (b) other similar permits held by other persons have also been reviewed and the suspension, cancellation or amendment does not unfairly discriminate against the holder in relation to other holders of similar permits;
 - (c) the permit holder is in breach of a condition contained in the permit;
 - (d) the permit holder provided incorrect or false information in the application for the permit;
 - (e) the holder of a permit has been convicted of an offence in terms of the Act, the National Environmental Management Act or a specific environmental management act or any regulations issued thereunder; or
 - (f) the reason for the issuing of the permit no longer exists.

- (3) A permit issued in terms of these regulations may be amended—
- (a) if an error needs to be corrected or rectified;
 - (b) at the request of the applicant;
 - (c) for the proper management and implementation of these regulations; or
 - (d) where the conditions or circumstances have changed since the original permit was issued.

10. Offences and penalties

In addition to any offence in terms of section 89 of the Act, any person who contravenes or fails to comply with—

- (a) regulations 3(1), 4, 5(1), 6, 7 or 8;
- (b) a condition mentioned in a permit issued in terms of these regulations; or
- (c) a prohibition, instruction, rule or order imposed, given or issued under these regulations;

is guilty of an offence and liable in the case of a first conviction to a fine not exceeding R5 million or to imprisonment for a period not exceeding five years and in the case of a second or subsequent conviction to a fine not exceeding R10 million or imprisonment for a period not exceeding 10 years or in both instances to both a fine and such imprisonment.

11. Short title and commencement

These regulations are called the Southwest Indian Seamount Marine Protected Area Regulations and commence upon date of publication in the *Gazette*.

Annexure 1

(Zonation for the Southwest Indian Seamount Marine Protected Area)

- (1) **Southwest Indian Seamount 1 - Restricted Zone (SWIS 1 – RZ)** is bounded by a series of straight lines sequentially joining the following four coordinates (A) 35° 53' S, 21° 40'E; (B) 35° 53' S, 22° 37' E; (C) 36° 22' S, 22° 37' E; (D) 36° 22' S, 21° 40' E. The area includes the sea bed, water column and subsoil within these boundaries.
- (2) **Southwest Indian Seamount 3 - Restricted Zone (SWIS 3 – RZ)** is bounded by a series of straight lines sequentially joining the following four coordinates (A) 37° 10' S, 22° 0' E; (B) 37° 10' S, 22° 35' E; (C) 37° 40' S, 22° 35' E; (D) 37° 45' S, 22° 0' E. The area includes the sea bed, water column and subsoil within these boundaries.
- (3) **Southwest Indian Seamount 2 - Controlled Zone (SWIS 2 - CZ)** is bounded by a series of straight lines sequentially joining the following four coordinates (A) 36° 10' S, 23° 14' E; (B) 36° 10' S, 23° 40' E; (C) 36° 35' S, 23° 14' E; (D) 36° 35' S, 23° 14'E. The area includes the sea bed, water column and subsoil within these boundaries.

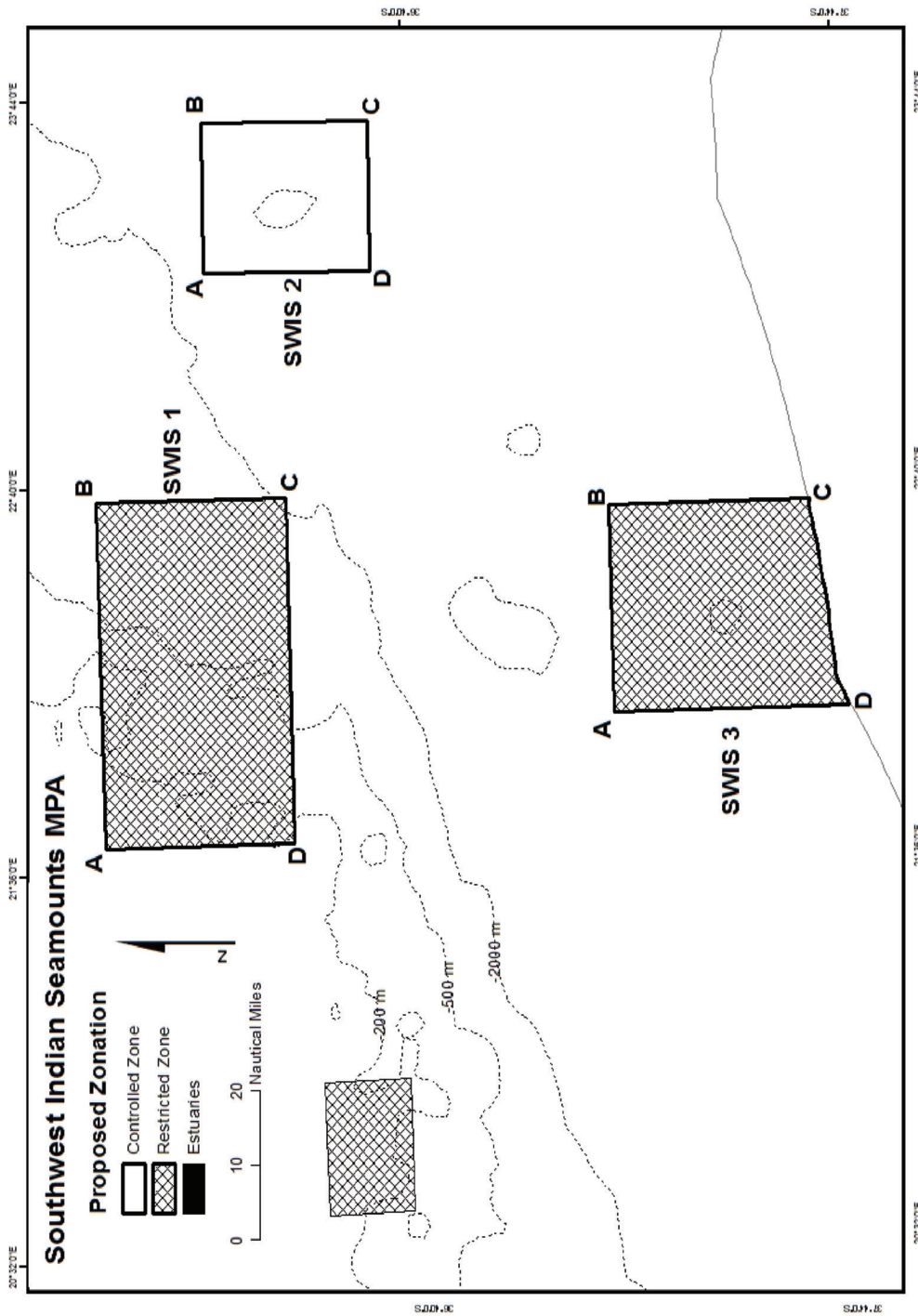


Fig 1. The proposed zonation for the Southwest Indian Seamount Marine Protected Area

Table 1: Table of co-ordinates for the SouthWest Indian Seamounts marine protected Area

MPA names	Corner name	Latitude	Longitude	Latitude South		Longitude East	
		Decimal Degrees	Decimal Degrees	Degrees	Minutes	Degrees	Minutes
Southwest Indian Seamount (1)	A	21.667	-35.892	21	40.000	35	53.000
	B	22.624	-35.892	22	37.000	35	53.000
	C	22.624	-36.367	22	37.000	36	22.000
	D	21.667	-36.367	21	40.000	36	22.000
Southwest Indian Seamount (2)	A	23.233	-36.167	23	14.000	36	10.000
	B	23.667	-36.167	23	40.000	36	10.000
	C	23.667	-36.583	23	40.000	36	35.000
	D	23.200	-36.583	23	14.000	36	35.000
Southwest Indian Seamount (3)	A	22.000	-37.167	22	0.000	37	10.000
	B	22.583	-37.167	22	35.000	37	10.000
	C	22.583	-37.667	22	35.000	37	40.000
	D	22.000	-37.750	22	0.000	37	45.000

DEPARTMENT OF ENVIRONMENTAL AFFAIRS

NO. R. 122

03 FEBRUARY 2016

**NATIONAL ENVIRONMENTAL MANAGEMENT: PROTECTED AREAS ACT, 2003
(ACT NO. 57 OF 2003)****DRAFT NOTICE DECLARING THE ROBBEN ISLAND MARINE PROTECTED
AREA UNDER SECTION 22A OF THE NATIONAL ENVIRONMENTAL
MANAGEMENT: PROTECTED AREAS ACT, 2003 (ACT NO. 57 OF 2003)**

I, Bomo Edith Edna Molewa, Minister of Environmental Affairs, hereby publish for public comment, the intention to declare under section 22A of the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003), the Robben Island Marine Protected Area as set out in the Schedule hereto.

Any person who wishes to submit representations or comments in connection with the proposed declaration is invited to do so within 90 days from the date of publication in the *Government Gazette* and by no later than 16h00 on the last day. Comments received after this time may not be considered. All representations and comments must be submitted in writing to the Deputy Director-General of the Department of Environmental Affairs, Branch Oceans and Coasts:

By post to: **The Deputy Director-General**
 Environmental Affairs
 Oceans and Coasts
 Attention: Xola Mkefe
 P.O Box 52126
 V and A Waterfront, Cape Town
 8002

By hand: **East Pier Building 2, East Pier Road, V&A Waterfront,**
Cape Town

By e-mail to: **MPARegs@environment.gov.za**

Enquiries: **Xola Mkefe 021 819 2466**



BOMO EDITH EDNA MOLEWA
MINISTER OF ENVIRONMENTAL AFFAIRS

SCHEDULE

All geographic co-ordinates are determined in accordance with the *WGS 84* datum, and all bearings are true bearings as set out in Annexure 1 hereto.

Boundaries of the Marine Protected Area

The Robben Island Marine Protected Area in the Western Cape is an offshore marine protected area lying adjacent to the existing Table Mountain Marine Protected Area and bounded by a series of straight lines sequentially joining the following four coordinates: (A) 33° 45' S, 18° 0' E; (B) 33° 45' S, 18° 24' E; (C) 33° 54' S, 18° 24.06' E; and (D) 33° 54' S, 18° 0' E. The area includes the sea bed, water column and subsoil within these boundaries, and links to the northern boundary of the existing Table Mountain Marine Protected Area.

Purpose

The purpose for declaring this Marine Protected Area is:

- (a) To contribute to a national and global representative system of marine protected areas by providing protection to coastal, island and offshore benthic and pelagic ecosystems in this region;
- (b) to conserve and protect threatened ecosystems;
- (c) to conserve and protect the biodiversity and ecological processes associated with these ecosystems;
- (d) to contribute to the conservation and protection of African penguin, bank and Cape cormorants and other threatened seabird and shorebird species;
- (e) to protect an area of significant cultural heritage, a scenic area with tourism value, a South African National Heritage site and a World Heritage Site; and
- (f) to facilitate species management by supporting fisheries recovery and enhanced species abundance in adjacent areas for west coast rock lobster, abalone and other overexploited species.

Annexure 1:

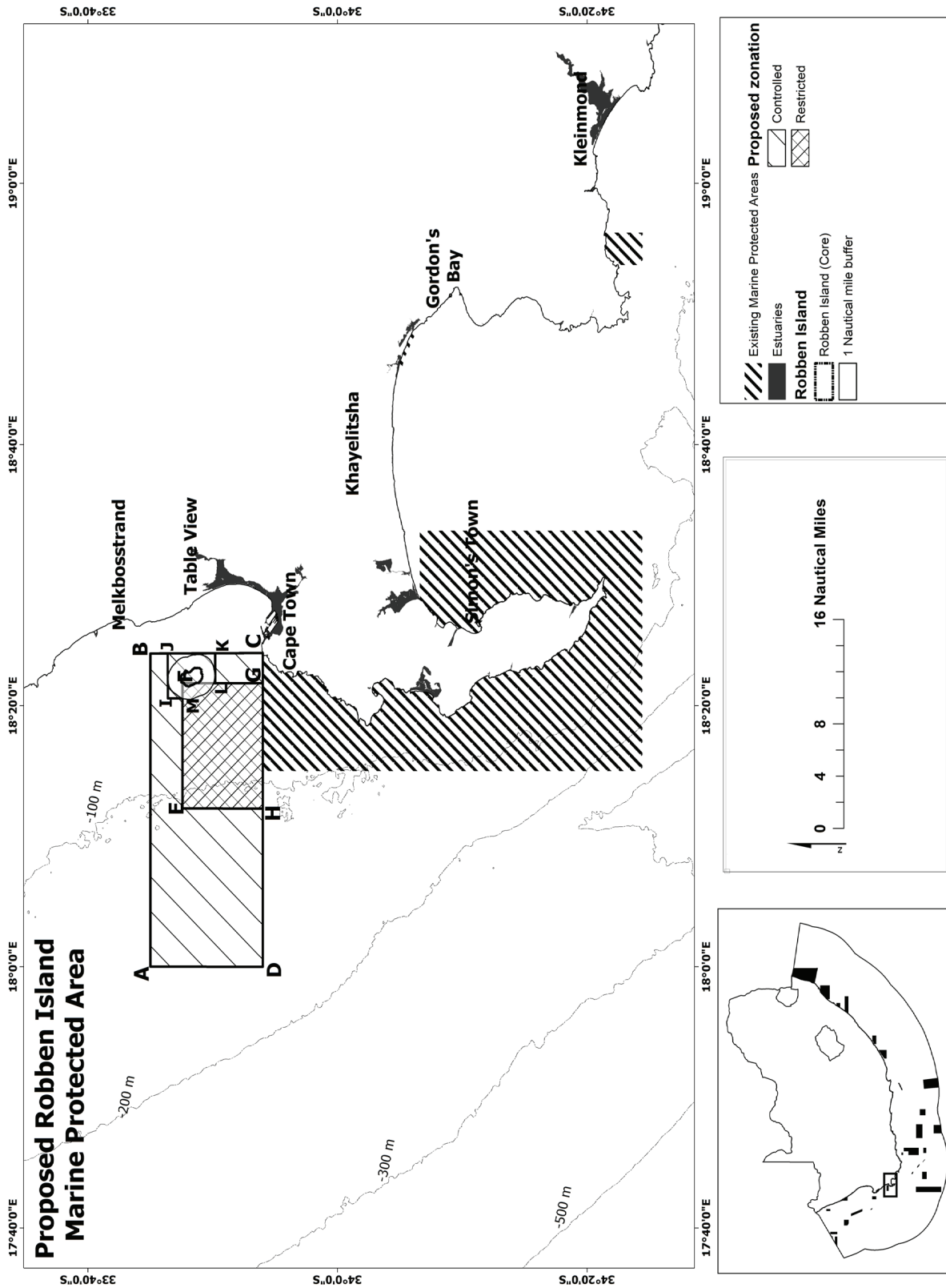


Fig. 1. The proposed boundaries for the Robben Island Marine Protected Area.

Table 1. The exact geographic coordinates (WGS 84) of points A-M in Fig. 1.

	Corner name	Latitude		Longitude	
		Degrees	Minutes	Degrees	Minutes
Robben Island Controlled Zone 1 (RICZ1)	A	33°	45.000000000 'S	18°	0.000000000 'E
	B	33°	45.000000000 'S	18°	24.000000000 'E
	C	33°	54.000000000 'S	18°	24.060000000 'E
	G	33°	54.000000000 'S	18°	21.720000000 'E
	F	33°	47.580000000 'S	18°	21.720000000 'E
	E	33°	47.580000000 'S	18°	12.120000000 'E
	H	33°	54.000000000 'S	18°	12.120000000 'E
	D	33°	54.000000000 'S	18°	0.000000000 'E
Robben Island Controlled Zone 2 (RICZ2)	I	33°	46.380000000 'S	18°	20.580000000 'E
	J	33°	46.380000000 'S	18°	24.000000000 'E
	K	33°	50.160000000 'S	18°	24.000000000 'E
	L	33°	50.220000000 'S	18°	21.720000000 'E
	F	33°	47.580000000 'S	18°	21.720000000 'E
	M	33°	47.580000000 'S	18°	20.580000000 'E
Robben Island Restricted Zone (RIRZ)	E	33°	47.580000000 'S	18°	12.120000000 'E
	F	33°	47.580000000 'S	18°	21.720000000 'E
	G	33°	54.000000000 'S	18°	21.720000000 'E
	H	33°	54.000000000 'S	18°	12.120000000 'E

DEPARTMENT OF ENVIRONMENTAL AFFAIRS

NO. R. 123

03 FEBRUARY 2016

**NATIONAL ENVIRONMENTAL MANAGEMENT: PROTECTED AREAS ACT,
2003
(ACT NO. 57 OF 2003)**

**DRAFT REGULATIONS FOR THE MANAGEMENT OF THE SOUTHEAST
ATLANTIC SEAMOUNT MARINE PROTECTED AREA**

I, Bomo Edith Edna Molewa, Minister of Environmental Affairs, hereby publish for public comment, the draft Regulations for the Management of the Southeast Atlantic Seamount Marine Protected Area in terms of sections 48A(2) and 86(1)(a), (b), (c) and (d) of the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003), as set out in the Schedule hereto.

Any person who wishes to submit representations or comments in connection with the draft regulations are invited to do so within 90 days from the date of publication in the *Government Gazette* and by no later than 16h00 on the last day. Comments received after this time may not be considered. All representations and comments must be submitted in writing to the Deputy Director-General of the Department of Environmental Affairs, Branch Oceans and Coasts:

By post to: **The Deputy Director-General
Environmental Affairs
Oceans and Coasts
Attention: Xola Mkefe
P.O Box 52126
V and A Waterfront, Cape Town
8002**

By hand: **East Pier Building 2, East Pier Road, V&A
Waterfront, Cape Town**

By e-mail to: **MPARegs@environment.gov.za**
Enquiries: **Xola Mkefe 021 819 2466**



**BOMO EDITH EDNA MOLEWA
MINISTER OF ENVIRONMENTAL AFFAIRS**

Schedule

1. Definitions

In these Regulations, unless the context indicates otherwise, a word or expression that is defined in the Act bears the same meaning in these Regulations, and in addition-

“Act” means the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003);

“certificate of competence” means a certificate of competence as defined in the National Small Vessel Safety Regulations, 2007;

“certificate of fitness” means a certificate of fitness as defined in the National Small Vessel Safety Regulations, 2007;

“Controlled Zone” means an area within a marine protected area where fishing or any other activity in terms of section 48A(1) of the Act may take place if authorised in terms of these regulations as contemplated in terms of section 48A(2) of the Act;

“environment” has the meaning assigned to it in section 1 of the National Environmental Management Act;

“fish” means any aquatic plant or animal whether piscine or not, and any mollusc, crustacean, coral, sponge, holothurian or other echinoderm, reptile and includes their eggs, larvae and all juvenile stages, but does not include sea birds, seals or any marine mammal;

“fishing” or to **“fish”** means—

- (a) searching for, catching, taking or harvesting fish or an attempt to any such activity;
- (b) engaging in any other activity which can reasonably be expected to result in the locating, catching, taking or harvesting of fish;
- (c) placing, searching for or recovering any fish aggregating device or associated gear, including radio beacons;
- (d) any operation in support or in preparation of any activity described in this definition; or
- (e) the use of an aircraft in relation to any activity described in this definition;

“hovercraft” means a craft that floats on a cushion of air and is capable of traversing water;

“Integrated Coastal Management Act” means the National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008);

“Marine Living Resources Act” means the Marine Living Resources Act, 1998 (Act No. 18 of 1998);

“Marine Protected Area” means the Southeast Atlantic Seamount Marine Protected Area as declared by the Minister in terms of section 22A of the Act;

“National Small Vessel Safety Regulations” means the Merchant Shipping (National Small Vessel Safety) Regulations, 2007, published in terms of section 356 of the Merchant Shipping Act, 1951 (Act No. 57 of 1951) and promulgated in Government Notice No. R. 705 of 8 August 2007;

“operate” in respect of a vessel, includes mooring in the water, drifting in the water and ascending or descending from its mooring, the shore, launch site, a buoy or a jetty;

“personal watercraft” means a vessel that uses an inboard motor powering a water jet pump as its primary source of propulsion, and is designed to be operated by a person or persons sitting, standing, or kneeling on rather than within the confines of a hull;

“Restricted Zone” means an area within the Marine Protected Area where no fishing may take place, but where any other activity in terms of section 48A(1) of the Act may take place if authorised in terms of these regulations as contemplated in terms of section 48A(2) of the Act;

“SEAS 1 -RZ1” means the Southeast Atlantic Seamount Restricted Zone 1

“SEAS 2 - RZ2” means the Southeast Atlantic Seamount Restricted Zone 2

“SEAS 1 – CZ” means the Southeast Atlantic Seamount Controlled Zone

“vessel” means a waterborne craft of any kind whether a surface craft or submarine, and whether self-propelled or not, and includes any moored floating structure that can be used as a means of transport by water and includes a personal watercraft and hovercraft; and

“WGS 84” means the World Geodetic System of 1984 (G730), which is a geographic co-ordinate system.

CONTINUES ON PAGE 258 - PART 3



Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID AFRIKA

Regulation Gazette

No. 10553

Regulasiekoerant

Vol. 608

3 February 2016
3 Februarie 2016

No. 39646

PART 3 OF 3

N.B. The Government Printing Works will not be held responsible for the quality of "Hard Copies" or "Electronic Files" submitted for publication purposes

ISSN 1682-5843



9 771682 584003

39646



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

2. Zonation within the Marine Protected Area

The Marine Protected Area consists of two (2) Restricted Zones and one (1) Controlled Zone, which are determined by using WGS 84 as detailed in Annexure 1 hereto as follows:

- (a) Restricted Zone, indicated as the Southeast Atlantic Seamount Restricted Zone 1 (SEAS 1 -RZ1);
- (b) Restricted Zone, indicated as the Southeast Atlantic Seamount Restricted Zone 2 (SEAS 2 - RZ2); and
- (c) Controlled Zone, indicated as Southeast Atlantic Seamount Controlled Zone (SEAS 1 - CZ).

3. Scientific research permit

- (1) No person may undertake any scientific research within the Marine Protected Area, except on the authority of a scientific research permit issued by the Minister.
- (2) Application for a scientific research permit in terms of sub-regulation (1) must be made to the Minister in accordance with the provisions of section 83 of the Marine Living Resources Act or any regulations published under the Integrated Coastal Management Act.

4. General restrictions within the Marine Protected Area

- (1) The owner, skipper or operator of a vessel shall not enter or operate a vessel in the Marine Protected Area without a valid certificate of competence and a certificate of fitness issued in respect of such vessel, and such original certificates must be available for inspection at all times.
- (2) A vessel shall not enter the Marine Protected Area unless the marking approved for that vessel in accordance with the provisions of the Merchant Shipping Act, 1951 (Act No. 57 of 1951), is displayed on the vessel at all times while the vessel is inside the Marine Protected Area.
- (3) The owner, skipper or operator of a vessel shall not enter or operate a vessel in the Marine Protected Area unless such vessel and any other equipment or contents of such vessel, comply with the safety and other requirements specified in the Merchant Shipping Act, 1951 (Act No. 57 of 1951) for such vessel.

5. Use of vessels

- (1) No person may moor or anchor any vessel in the Marine Protected Area except—
 - (a) under conditions of *force majeure*; or
 - (b) for the use of a vessel by an employee of the Department or any other organ of state acting in the course and scope of their employment or mandate.
- (2) Despite sub-regulation (1), the Minister may on application and on such conditions as he or she may deem appropriate, authorise the anchoring or mooring of a vessel in the following circumstances -
 - (a) in an emergency; or
 - (b) where the Minister may deem it to be necessary in order to ensure the proper management of the Marine Protected Area.
- (3) The Minister may verbally authorise a vessel to moor or anchor within the Marine Protected Area as contemplated in sub-regulation (2), which verbal authorisation must be confirmed in writing within 3 working days.

6. Restriction of activities

No person may undertake any activity listed in section 48A(1) of the Act, in the Marine Protected Area, unless authorised in terms of these regulations.

7. Control of activities in Restricted Zones

- (1) No person shall fish, or attempt to fish, in SEAS 1 -RZ1 and SEAS 2 - RZ2.
- (2) Fishing gear onboard a vessel or in possession of any person that enters or is present in the SEAS 1 -RZ1 and SEAS 2 - RZ2 must be stowed in the following manner –
 - (a) In the case of line fishing from a vessel, all hooks, lures, and weights are disconnected from the line, all the line is reeled onto the reel or rolled up, and that rolled up line, hooks,

lures, bait and weights on the vessel are placed away in the cabin, wheel house or console of the vessel;

- (b) in the case of purse-seine fishing the boom shall be lowered as far as possible so that the vessel cannot be used for fishing but so that the skiff is accessible for use in emergency situations;
- (c) in the case of a trawl fishing, all nets, trawl boards and weights shall be disconnected from their towing or hauling wires, ropes or rigid frames and either stowed below deck or securely lashed to some part of the superstructure of the fishing vessel;
- (d) in the case of rock lobster fishing all traps shall be on board and tied down; and all dinghies shall be on board and securely lashed to some part of the superstructure of the fishing vessel;
- (e) in the case of fishing with traps other than rock lobster traps, all traps shall be on board and tied down; and
- (f) in the case of longline fishing, all gear shall be covered and the cover secured.

8. Control of activities in Controlled Zone

- (1) No person shall fish, or attempt to fish from a vessel in the Southeast Atlantic Seamount Controlled Zone (SEAS 1-CZ) unless they are in possession of a valid fishing permit in the large pelagic commercial fishing sector issued in terms of the Marine Living Resources Act and such permit authorises fishing within the SEAS 1-CZ of the Marine Protected Area
- (2) Fishing gear onboard a vessel or in possession of any person that enters or is present in the SEAS 1 - CZ and who is not authorised to fish in terms of sub-regulation (1), must be stowed in accordance with regulation 7(2).

9. Suspension, amendment and cancellation of permits

- (1) Subject to sub-regulation (2) and (3), a permit issued under these regulations may at any time be suspended, cancelled or amended.
- (2) A permit issued in terms of these regulations may be suspended, cancelled or amended, if—

- (a) the Minister is satisfied on the basis of information that was not considered when the permit was issued, that it is necessary or desirable to suspend, cancel or amend the permit to prevent deterioration or further deterioration of the environment within the Marine Protected Area;
 - (b) other similar permits held by other persons have also been reviewed and the suspension, cancellation or amendment does not unfairly discriminate against the holder in relation to other holders of similar permits;
 - (c) the permit holder is in breach of a condition contained in the permit;
 - (d) the permit holder provided incorrect or false information in the application for the permit;
 - (e) the holder of a permit has been convicted of an offence in terms of the Act, the National Environmental Management Act or a specific environmental management act or any regulations issued thereunder; or
 - (f) the reason for the issuing of the permit no longer exists.
- (3) A permit issued in terms of these regulations may be amended—
- (a) if an error needs to be corrected or rectified;
 - (b) at the request of the applicant;
 - (c) for the proper management and implementation of these regulations; or
 - (d) where the conditions or circumstances have changed since the original permit was issued.

10. Offences and penalties

In addition to any offence in terms of section 89 of the Act, any person who contravenes or fails to comply with—

- (a) regulations 3(1), 4, 5(1), 6, 7 or 8;
- (b) a condition mentioned in a permit issued in terms of these regulations; or

- (c) a prohibition, instruction, rule or order imposed, given or issued under these regulations;

is guilty of an offence and liable in the case of a first conviction to a fine not exceeding R5 million or to imprisonment for a period not exceeding five years and in the case of a second or subsequent conviction to a fine not exceeding R10 million or imprisonment for a period not exceeding 10 years or in both instances to both a fine and such imprisonment.

11. Short title and commencement

These regulations are called the Southeast Atlantic Seamount Marine Protected Area Regulations and commence upon date of publication in the *Gazette*.

Annexure 1

(Zonation for the Southeast Atlantic Seamount Marine Protected Area)

- (1) **Southeast Atlantic Seamount 1 Restricted Zone 1 (SEAS 1 - RZ1)** is bounded by a series of straight lines sequentially joining the following four coordinates within SEAS 1: (E) 37° 3.30' S, 17° 55' E; (F) 37° 3.30' S, 18° 18' E; (C) 37° 43' S, 18° 18' E; (D) 37° 43' S, 17° 55' E.
- (2) **Southeast Atlantic Seamount 2 Restricted Zone 2 (SEAS 2 - RZ2)** is bounded by a series of straight lines sequentially joining the following four coordinates within SEAS 2: (A) 36° 20' S, 18° 50' E; (B) 36° 20' S, 19° 20' E; (C) 36° 40' S, 19° 20' E; (D) 36° 40' S, 18° 50' E.
- (3) **Southeast Atlantic Seamount 1 Controlled Zone (SEAS1 - CZ)** is comprised of straight lines is bounded by a series of straight lines sequentially joining the following four coordinates within SEAS 1: (A) 35° 53' S, 17° 55' E; (B) 35° 53' S, 18° 18' E; (E) 37° 3.30' S, 17° 55' E; (F) 37° 3.30' S, 18° 18' E.

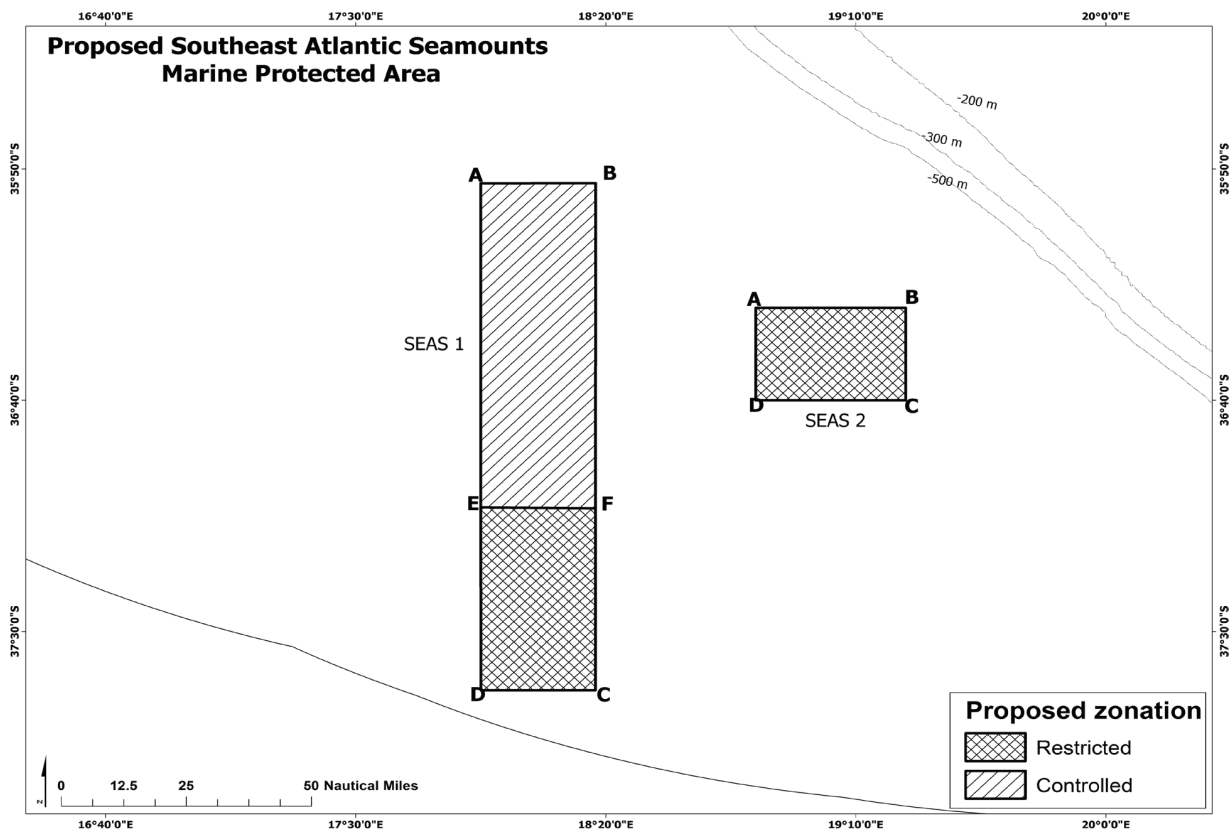


Fig. 1. The proposed zonation for the Southeast Atlantic Seamount Marine Protected Area.

DEPARTMENT OF ENVIRONMENTAL AFFAIRS

NO. R. 124

03 FEBRUARY 2016

**NATIONAL ENVIRONMENTAL MANAGEMENT: PROTECTED AREAS ACT, 2003
(ACT NO. 57 OF 2003)****DRAFT NOTICE DECLARING THE SOUTHEAST ATLANTIC SEAMOUNT
MARINE PROTECTED AREA UNDER SECTION 22A OF THE NATIONAL
ENVIRONMENTAL MANAGEMENT: PROTECTED AREAS ACT, 2003 (ACT NO.
57 OF 2003)**

I, Bomo Edith Edna Molewa, Minister of Environmental Affairs, hereby publish for public comment, the intention to declare under section 22A of the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003), the Southeast Atlantic Seamount Marine Protected Area as set out in the Schedule hereto.

Any person who wishes to submit representations or comments in connection with the proposed declaration is invited to do so within 90 days from the date of publication in the *Government Gazette* and by no later than 16h00 on the last day. Comments received after this time may not be considered. All representations and comments must be submitted in writing to the Deputy Director-General of the Department of Environmental Affairs, Branch Oceans and Coasts:

By post to: The Deputy Director-General
Environmental Affairs
Oceans and Coasts
Attention: Xola Mkefe
P.O Box 52126
V and A Waterfront, Cape Town
8002

By hand: East Pier Building 2, East Pier Road, V&A
Waterfront, Cape Town

By e-mail to: MPARegs@environment.gov.za
Enquiries: Xola Mkefe 021 819 2466



**BOMO EDITH EDNA MOLEWA
MINISTER OF ENVIRONMENTAL AFFAIRS**

SCHEDULE

All geographic co-ordinates are determined in accordance with the *WGS 84* datum, and all bearings are true bearings as detailed in Annexure 1 hereto.

Boundaries of the Marine Protected Area

The Southeast Atlantic Seamount Marine Protected Area in the Western Cape is an offshore Marine Protected Area in the 2000m to 4000m depth range lying approximately 94 nautical miles southwest of Gansbaai. The Southeast Atlantic Seamount Marine Protected Area is comprised of two separate areas, indicated as SEAS 1 and SEAS 2 detailed in Annexure 1 as follows:

- a) SEAS 1 is bounded by a series of straight lines sequentially joining the following four coordinates: (A) 35° 53' S, 17° 55'E; (B) 35° 53' S, 18° 18' E; (C) 37° 43' S, 18° 18' E; and (D) 37° 43' S, 17° 55'E; and
- b) SEAS 2 is bounded by a series of straight lines sequentially joining the following four coordinates: (A) 36° 20' S, 18° 50' E; (B) 36° 20' S, 19° 20' E; (C) 36° 40' S, 19° 20' E; and (D) 36° 40' S, 18° 50'E.

The areas include the sea bed, water column and subsoil within these boundaries.

Purpose

The purpose for declaring this Marine Protected Area is:

- (a) To contribute to a national and global representative system of marine protected areas by providing protection to the benthic and pelagic ecosystems of the slope and abyss of this region;
- (b) to conserve and protect seamount and associated ecosystems;
- (c) to conserve and protect the biodiversity and ecological processes associated with these ecosystems;
- (d) to conserve and protect an area of importance for migratory species including seabirds, turtles, sharks and other fish; and
- (e) to protect and provide an appropriate environment for research and monitoring particularly research on habitat description, habitat resilience, mapping and monitoring.

Annexure 1:

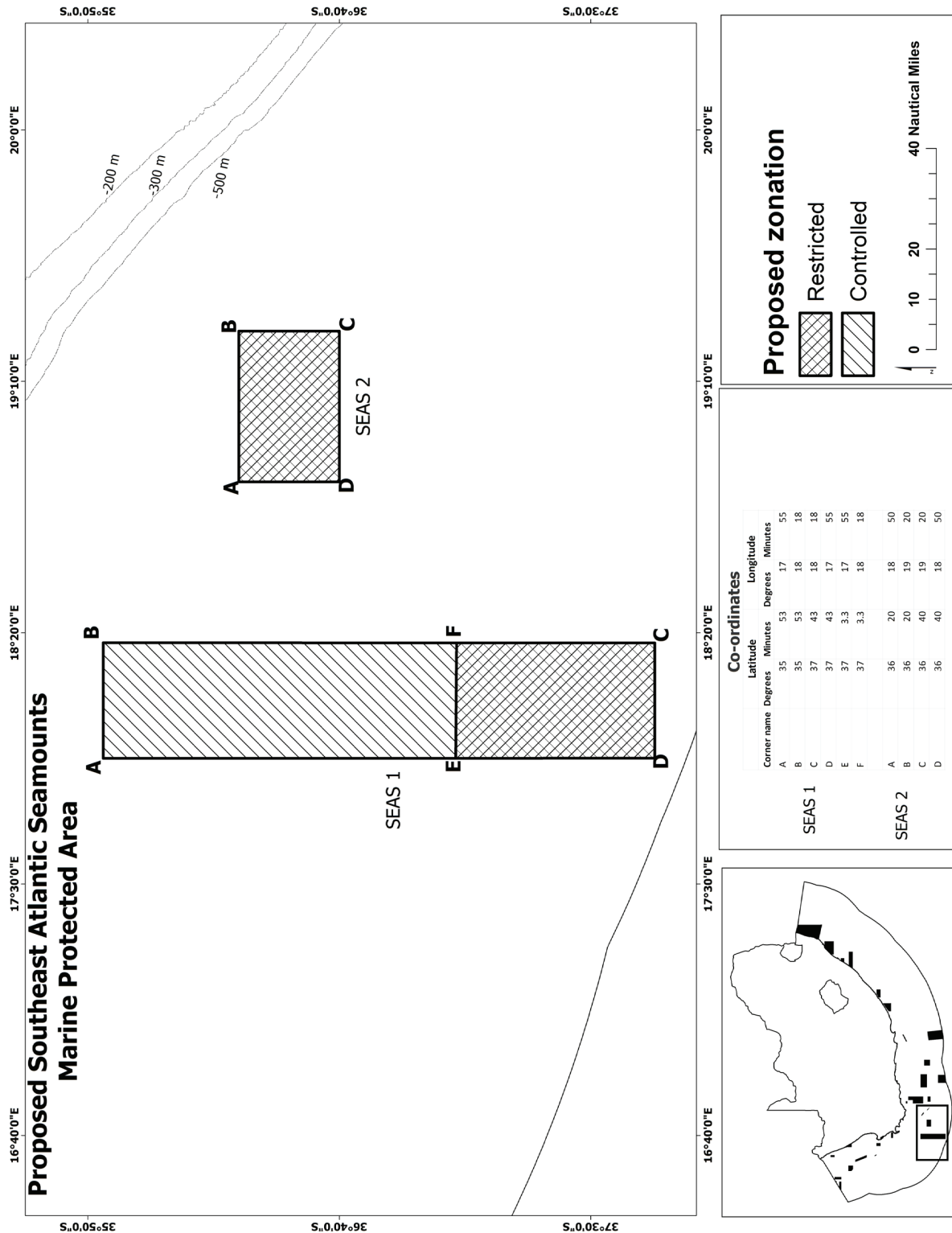


Fig. 1. The proposed boundaries for the Southeast Atlantic Seamount Marine Protected Area

Table 1. The exact geographic coordinates (WGS 84) of points SEAS 1 A-D and SEAS 2 A-D in Fig 1.

	Corner name	X (East) Decimal Degrees	Y (South) Decimal Degrees	X (East) Degrees	X (East) Minutes	Y (South) Degrees	Y (South) Minutes
Southeast Atlantic Seamounts (1)	A	17.9167	-35.8833	17	55.000	35	53.000
	B	18.3000	-35.8833	18	18.000	35	53.000
	C	18.3000	-37.7167	18	18.000	37	43.000
	D	17.9167	-37.7167	17	55.000	37	43.000
Southeast Atlantic Seamounts (2)	A	18.8333	-36.3333	18	50.000	36	20.000
	B	19.3333	-36.3333	19	20.000	36	20.000
	C	19.3333	-36.6667	19	20.000	36	40.000
	D	18.8333	-36.6667	18	50.000	36	40.000

DEPARTMENT OF ENVIRONMENTAL AFFAIRS

NO. R. 125

03 FEBRUARY 2016

**NATIONAL ENVIRONMENTAL MANAGEMENT: PROTECTED AREAS
ACT, 2003
(ACT NO. 57 OF 2003)**

**DRAFT REGULATIONS FOR THE MANAGEMENT OF THE NAMAQUA
NATIONAL PARK MARINE PROTECTED AREA**

I, Bomo Edith Edna Molewa, Minister of Environmental Affairs, hereby publish for public comment, the draft Regulations for the Management of the Namaqua National Park Marine Protected Area in terms of sections 48A(2) and 86(1)(a), (b), (c) and (d) of the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003), as set out in the Schedule hereto.

Any person who wishes to submit representations or comments in connection with the draft regulations are invited to do so within 90 days from the date of publication in the *Government Gazette* and by no later than 16h00 on the last day. Comments received after this time may not be considered. All representations and comments must be submitted in writing to the Deputy Director-General of the Department of Environmental Affairs, Branch Oceans and Coasts:

By post to: **The Deputy Director-General
Environmental Affairs
Oceans and Coasts
Attention: Xola Mkefe
P.O Box 52126
V and A Waterfront, Cape Town
8002**

By hand: **East Pier Building 2, East Pier Road, V&A
Waterfront, Cape Town**

By e-mail to: **MPARegs@environment.gov.za**
Enquiries: **Xola Mkefe 021 819 2466**



**BOMO EDITH EDNA MOLEWA
MINISTER OF ENVIRONMENTAL AFFAIRS**

Schedule

1. Definitions

In these Regulations, unless the context indicates otherwise, a word or expression that is defined in the Act bears the same meaning in these Regulations, and in addition—

“Act” means the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003);

“alpha flag” means the “diver down” flag used to indicate that diving operations are in progress and other vessels must keep clear;

“certificate of competence” means a certificate of competence as defined in the National Small Vessel Safety Regulations, 2007;

“certificate of fitness” means a certificate of fitness as defined in the National Small Vessel Safety Regulations, 2007;

“Controlled Zone” means an area within a marine protected area where fishing or any other activity in terms of section 48A(1) of the Act may take place if authorised in terms of these regulations as contemplated in terms of section 48A(2) of the Act;

“environment” has the meaning assigned to it in section 1 of the National Environmental Management Act;

“fish” means any aquatic plant or animal whether piscine or not, and any mollusc, crustacean, coral, sponge, holothurian or other echinoderm, reptile and includes their eggs, larvae and all juvenile stages, but does not include sea birds, seals or any marine mammal;

“fishing” or to **“fish”** means—

- (a) searching for, catching, taking or harvesting fish or an attempt to any such activity;
- (b) engaging in any other activity which can reasonably be expected to result in the locating, catching, taking or harvesting of fish;
- (c) placing, searching for or recovering any fish aggregating device or associated gear, including radio beacons;
- (d) any operation in support or in preparation of any activity described in this definition; or
- (e) the use of an aircraft in relation to any activity described in this definition;

“hovercraft” means a craft that floats on a cushion of air and is capable of traversing water;

“Integrated Coastal Management Act” means the National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008);

“management authority” means South African National Parks who is hereby formally designated as the management authority of the Marine Protected Area in terms of section 38(1)(aB) of the Act;

“Marine Living Resources Act” means the Marine Living Resources Act, 1998 (Act No. 18 of 1998);

“Marine Protected Area” means the Namaqua National Park Marine Protected Area as declared by the Minister in terms of section 22A of the Act;

“NNPORZ” means Namaqua National Park Offshore Restricted Zone;

“NNPCCZ” means Namaqua National Park Coastal Controlled Zone;

“NNPCRZ” means Namaqua National Park Coastal Restricted Zone;

“National Small Vessel Safety Regulations” means the Merchant Shipping (National Small Vessel Safety) Regulations, 2007, published in terms of section 356 of the Merchant Shipping Act, 1951 (Act No. 57 of 1951) and promulgated in Government Notice No. R. 705 of 8 August 2007;

“operate” in respect of a vessel, includes mooring in the water, drifting in the water and ascending or descending from its mooring, the shore, launch site, a buoy or a jetty;

“personal watercraft” means a vessel that uses an inboard motor powering a water jet pump as its primary source of propulsion, and is designed to be operated by a person or persons sitting, standing, or kneeling on rather than within the confines of a hull;

“Restricted Zone” means an area within a marine protected area where no fishing may take place, but where any other activity in terms of section 48A(1) of the Act may take place if authorised in terms of these regulations as contemplated in terms of section 48A(2) of the Act.

“SCUBA Diving” means swimming below the surface of the water, with the aid of compressed or pumped air or other gasses;

“vessel” means a waterborne craft of any kind whether a surface craft or submarine, and whether self-propelled or not, and includes any moored floating structure that can be used as a means of transport by water and includes a personal watercraft and hovercraft; and

“WGS 84” means the World Geodetic System of 1984 (G730), which is a geographic co-ordinate system.

2. Zonation within the Marine Protected Area

The Marine Protected Area consists of one (1) offshore Restricted Zone, six (6) Coastal Controlled Zones, and six (6) Coastal Restricted Zones which are determined by using WGS 84 as detailed in Annexure 1 hereto as follows:

- (a) one (1) Offshore Restricted Zone, indicated as NNPORZ;
- (b) six (6) Coastal Controlled Zones, indicated as NNPC CZ 1-6; and
- (c) six (6) Coastal Restricted Zones, indicated as NNPCRZ 1-6.

3. Scientific research permit

- (1) No person may undertake any scientific research within the Marine Protected Area, except on the authority of a scientific research permit issued by the Minister and a scientific research permit issued by the management authority.
- (2) Application for a scientific research permit in terms of sub-regulation (1) must be made to the Minister in accordance with the provisions of section 83 of the Marine Living Resources Act or any regulations published under the Integrated Coastal Management Act.

2. General restrictions within the Marine Protected Area

- (1) The owner, skipper or operator of a vessel shall not enter or operate a vessel in the Marine Protected Area without a valid certificate of competence and a certificate of fitness issued in respect of such vessel, and such original certificates must be available for inspection at all times.
- (2) A vessel shall not enter the Marine Protected Area unless the marking approved for that vessel in accordance with the provisions of the Merchant Shipping Act, 1951 (Act No. 57 of 1951), is displayed on the vessel at all times while the vessel is inside the Marine Protected Area.
- (3) The owner, skipper or operator of a vessel shall not enter or operate a vessel in the Marine Protected Area unless such vessel and any other equipment or contents of such vessel, comply with the safety and other requirements specified in the Merchant Shipping Act, 1951 (Act No. 57 of 1951) for such vessel.

- (4) The management authority may in the management plan for the Marine Protected Area or in an internal rule, identify activities, except for those activities listed in section 48A(1) of the Act; which may be restricted, controlled, limited or prohibited and such areas must be indicated by demarcation buoys, demarcation markers or notice boards.
- (5) No person shall conduct or carry out any activity that is restricted, controlled, limited or prohibited in terms of sub-regulation (4).

4. Use of vessels

- (1) No person may moor or anchor any vessel in the Marine Protected Area except—
 - (a) under conditions of *force majeure*; or
 - (b) for the use of a vessel by an employee of the Department or any other organ of state acting in the course and scope of their employment or mandate.
- (2) Despite sub-regulation (1), the management authority may on application and on such conditions as it may deem appropriate, authorise the anchoring or mooring of a vessel in the following circumstances:
 - (a) in an emergency; or
 - (b) where the management authority may deem it to be necessary in order to ensure the proper management of the Marine Protected Area.
- (3) The management authority may verbally authorise a vessel to moor or anchor within the Marine Protected Area as contemplated in sub-regulation (2), which verbal authorisation must be confirmed in writing within 3 working days.
- (4) Any motorized vessel that enters or traverses a Restricted Zone within the Marine Protected Area may not stop or move at less than 5 knots at any time while in a Restricted Zone.
- (5) A motorized vessel entering or traversing a Restricted Zone within the Marine Protected Area with fishing gear on board must have a Global Positioning System (GPS) Mapping Device with an active trail operational on the vessel, prior to entering and while traversing a Restricted Zone within the Marine Protected Area and such GPS data may not be deleted from this

device for forty eight hours after passing through a Restricted Zone.

- (6) A vessel required by law to have a Vessel Monitoring System must, when entering or traversing the Marine Protected Area with fishing gear onboard, ensure that the Vessel Monitoring System is active.

5. Restriction of activities

No person may undertake any activity listed in section 48A(1) of the Act, in the Marine Protected Area, unless authorised in terms of these regulations.

6. Control of activities in Restricted Zones

- (1) No person shall fish, or attempt to fish, in the NNPORZ and the NNPCRZ 1-6.
- (2) Fishing gear onboard a vessel or in possession of any person that enters or is present in the NNPORZ and NNPCRZ 1-6 must be stowed in the following manner:
 - (a) In the case of line fishing-
 - (i) from a vessel all hooks, lures, and weights are disconnected from the line, all the line is reeled onto the reel or rolled up, and that rolled up line, hooks, lures, bait and weights on the vessel are placed away in the cabin, wheel house or console of the vessel; or
 - (ii) from the shore, all hooks, lures, and weights are disconnected from the line, all the line is reeled onto the reel or rolled up, and that rolled up line, hooks, lures, bait and weights are placed away in a bag or container;
 - (b) in the case of purse-seine fishing, the boom shall be lowered as far as possible so that the vessel cannot be used for fishing but so that the skiff is accessible for use in emergency situations;
 - (c) in the case of a trawl fishing, all nets, trawl boards and weights shall be disconnected from their towing or hauling wires, ropes or rigid frames and either stowed below deck or securely lashed to some part of the superstructure of the fishing vessel;

- (d) in the case of rock lobster fishing, all traps shall be on board and tied down; and all dinghies shall be on board and securely lashed to some part of the superstructure of the fishing vessel;
- (e) in the case of fishing with traps other than rock lobster traps, all traps shall be on board and tied down; and
- (f) in the case of longline fishing, all gear shall be covered and the cover secured.

7. Control of activities in Controlled Zones

- (1) No person shall fish, or attempt to fish, in NNPCZ 1-6 unless they are in possession of a valid recreational fishing permit issued in terms of the Marine Living Resources Act.
- (2) Notwithstanding anything to the contrary, a person in possession of a recreational fishing permit as contemplated in sub-regulation (1) above, may only fish for linefish and west coast rock lobster in the NNPCZ 1 (south of the Lighthouse).
- (3) No person shall undertake recreational fishing in the NNPCZ 1-6 in the period between 17h00 in the evening and 06h00 of the following day.
- (4) Fishing gear onboard a vessel or in possession of any person that enters or is present in the NNPCZ 1-6 and who is not authorised to fish in terms of sub-regulation (1), must be stowed in accordance with regulation 7(2).

8. SCUBA diving

- (1) No Person may operate or attempt to operate a SCUBA diving business in the Marine Protected Area without a permit.
- (2) Application for a permit referred to in sub-regulation (1) must be made to the management authority and may be issued subject to conditions.
- (3) Any vessel that has deployed divers in the Marine Protected Area must display an alpha flag.

9. Suspension, amendment and cancellation of permits

- (1) Subject to sub-regulations (2) and (3), a permit issued under these regulations may at any time be suspended, cancelled or amended.
- (2) A permit issued in terms of these regulations may be suspended, cancelled or amended, if—
 - (a) the Minister or management authority is satisfied on the basis of information that was not considered when the permit was issued, that it is necessary or desirable to suspend, cancel or amend the permit to prevent deterioration or further deterioration of the environment within the Marine Protected Area;
 - (b) other similar permits held by other persons have also been reviewed and the suspension, cancellation or amendment does not unfairly discriminate against the holder in relation to other holders of similar permits;
 - (c) the permit holder is in breach of a condition contained in the permit;
 - (d) the permit holder provided incorrect or false information in the application for the permit;
 - (e) the holder of a permit has been convicted of an offence in terms of the Act, the National Environmental Management Act or a specific environmental management act or any regulations issued thereunder; or
 - (f) the reason for the issuing of the permit no longer exists.
- (3) A permit issued in terms of these regulations may be amended—
 - (a) if an error needs to be corrected or rectified;
 - (b) at the request of the applicant;
 - (c) for the proper management and implementation of these regulations; or
 - (d) where the conditions or circumstances have changed since the original permit was issued.

10. Offences and penalties

In addition to any offence in terms of section 89 of the Act, any person who contravenes or fails to comply with—

- (a) regulations 3(1), 4(1) to 4(3), 4(5), 5(1), 5(4) to 5(6), 6, 7, 8, 9(1) or 9(3);
- (b) a condition mentioned in a permit issued in terms of these regulations; or
- (c) a prohibition, instruction, rule or order imposed, given or issued under these regulations;

is guilty of an offence and liable in the case of a first conviction to a fine not exceeding R5 million or to imprisonment for a period not exceeding five years and in the case of a second or subsequent conviction to a fine not exceeding R10 million or imprisonment for a period not exceeding 10 years or in both instances to both a fine and such imprisonment.

11. Short title and commencement

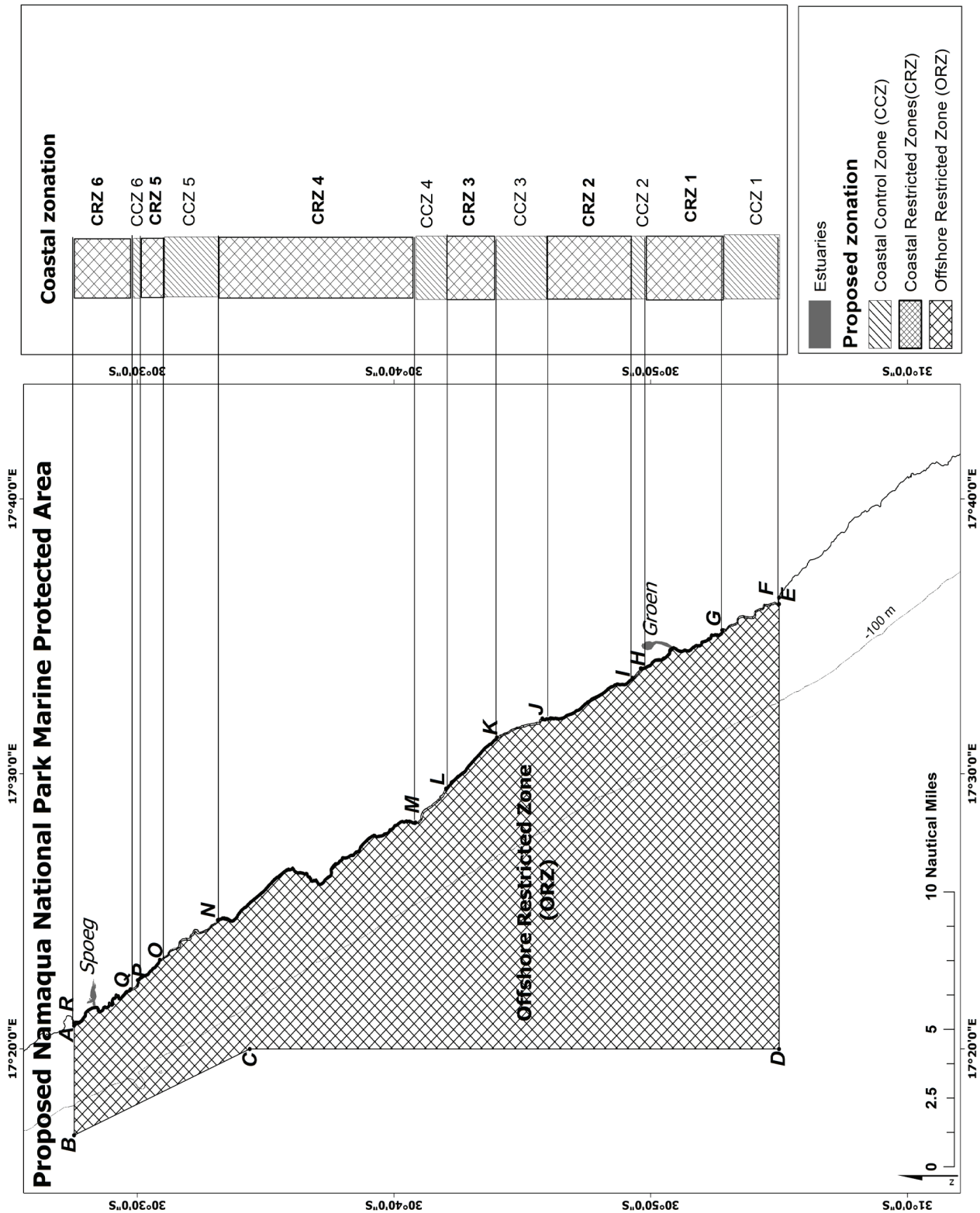
These regulations are called the Namaqua National Park Marine Protected Area Regulations and commence upon date of publication in the *Gazette*.

Annexure 1

(Zonation for the Namaqua National Park Marine Protected Area)

- (1) **Namaqua National Park Offshore Restricted Zone (NNPORZ)**
comprises the area from point A (30° 27.5400' S, 17° 16.8600' E) 100m seawards from the high-water mark, north of the Spoeg River, to offshore point B (30° 27.5400' S, 17° 20.8458' E), south to point C (30° 55.0020' S, 17° 36.4200' E), southwest to point D (30° 55.0020' S, 17° 19.9980' E) and east to point E (30° 55.0020' S, 17° 36.1794' E) at Island Point, 100m seawards from the high-water mark. The last line links the last co-ordinate (E) northwards to the first (A) along the coast at 100 m seawards from the high-water mark.
- (2) **Namaqua National Park Coastal Restricted Zones (NNPCRZ):**
 - (a) CRZ 1, point G (30° 52.7886' S, 17° 35.2344' E) to H (30° 49.6188' S, 17° 33.8454' E) along the coast 100m seawards to the boundary of the ORZ
 - (b) CRZ 2, point I (30° 49.2918' S, 17° 33.5016' E) to J (30° 45.7830' S, 17° 32.0178' E) along the coast 100m seawards to the boundary of the ORZ
 - (c) CRZ 3, point K (30° 44.0058' S, 17° 31.3314' E) to L (30° 42.0300' S, 17° 29.4672' E) along the coast 100m seawards to the boundary of the ORZ
 - (d) CRZ 4, point M (30° 40.8342' S, 17° 28.2378' E) to N (30° 33.1404' S, 17° 24.6900' E) along the coast 100m seawards to the boundary of the ORZ
 - (e) CRZ 5, point O (30° 30.8784' S, 17° 23.2404' E) to P (30° 30.0210' S, 17° 22.5036' E) along the coast 100m seawards to the boundary of the ORZ
 - (f) CRZ 6, point Q (30° 29.7384' S, 17° 22.1694' E) to R (30° 27.5400' S, 17° 20.9400' E) along the coast 100m seawards to the boundary of the ORZ
- (3) **Namaqua National Park Coastal Controlled Zones (NNPCCZ):**
 - (a) CCZ 1, point F (30° 55.0020' S, 17° 36.4200' E) to G (30° 52.7886' S, 17° 35.2344' E) along the coast 100m seawards to the boundary of the ORZ
 - (b) CCZ 2, point H (30° 49.6188' S, 17° 33.8454' E) to I (30° 49.2918' S, 17° 33.5016' E) along the coast 100m seawards to the boundary of the ORZ

- (c) CCZ 3, point J ($30^{\circ} 45.7830' S$, $17^{\circ} 32.0178' E$) to K ($30^{\circ} 44.0058' S$, $17^{\circ} 31.3314' E$) along the coast 100m seawards to the boundary of the ORZ
- (d) CCZ 4, point L ($30^{\circ} 42.0300' S$, $17^{\circ} 29.4672' E$) to M ($30^{\circ} 40.8342' S$, $17^{\circ} 28.2378' E$) along the coast 100m seawards to the boundary of the ORZ
- (e) CCZ 5, point N ($30^{\circ} 33.1404' S$, $17^{\circ} 24.6900' E$) to O ($30^{\circ} 30.8784' S$, $17^{\circ} 23.2404' E$) along the coast 100m seawards to the boundary of the ORZ
- (f) CCZ 6, point P ($30^{\circ} 30.0210' S$, $17^{\circ} 22.5036' E$) to Q ($30^{\circ} 29.7384' S$, $17^{\circ} 22.1694' E$) along the coast 100m seawards to the boundary of the ORZ



DEPARTMENT OF ENVIRONMENTAL AFFAIRS

NO. R. 126

03 FEBRUARY 2016

**NATIONAL ENVIRONMENTAL MANAGEMENT: PROTECTED AREAS ACT, 2003
(ACT NO. 57 OF 2003)****DRAFT NOTICE DECLARING THE NAMAQUA FOSSIL FOREST MARINE
PROTECTED AREA UNDER SECTION 22A OF THE NATIONAL
ENVIRONMENTAL MANAGEMENT: PROTECTED AREAS ACT, 2003 (ACT NO.
57 OF 2003)**

I, Bomo Edith Edna Molewa, Minister of Environmental Affairs, hereby publish for public comment, the intention to declare under section 22A of the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003), the Namaqua Fossil Forest Marine Protected Area as set out in the Schedule hereto.

Any person who wishes to submit representations or comments in connection with the proposed declaration is invited to do so within 90 days from the date of publication in the *Government Gazette* and by no later than 16h00 on the last day. Comments received after this time may not be considered. All representations and comments must be submitted in writing to the Deputy Director-General of the Department of Environmental Affairs, Branch Oceans and Coasts:

By post to: The Deputy Director-General
Environmental Affairs
Oceans and Coasts
Attention: Xola Mkefe
P.O Box 52126
V and A Waterfront, Cape Town
8002

By hand: East Pier Building 2, East Pier Road, V&A
Waterfront, Cape Town

By e-mail to: MPARegs@environment.gov.za
Enquiries: Xola Mkefe 021 819 2466



**BOMO EDITH EDNA MOLEWA
MINISTER OF ENVIRONMENTAL AFFAIRS**

SCHEDULE

All geographic co-ordinates are determined in accordance with the *WGS 84* datum, and all bearings are true bearings as set out in Annexure 1 hereto.

Boundaries of the Marine Protected Area

The Namaqua Fossil Forest Marine Protected Area in the Northern Cape is an offshore Marine Protected Area in the 120 m to 150 m depth range lying approximately 15 nautical miles offshore of the coastal area between Port Nolloth and Kleinsee. The Namaqua Fossil Forest Marine Protected Area is bounded by a series of straight lines sequentially joining the following four coordinates: (A) 29° 23' S, 16° 36.6'E; (B) 29° 23' S, 16° 45' E; (C) 29° 40' S, 16° 45' E; and (D) 29° 40' S, 16° 36.6'E. The area includes the sea bed, water column and subsoil within these boundaries.

Purpose

The purpose for declaring this Marine Protected Area is:

- (a) to contribute to a national and global representative system of marine protected areas by providing protection to the benthic ecosystems of the inner shelf in this region;
- (b) to conserve and protect an in-situ fossilised forest and its associated cold water corals; and
- (c) to conserve and protect the biodiversity and ecological processes associated with these features.

Annexure 1:

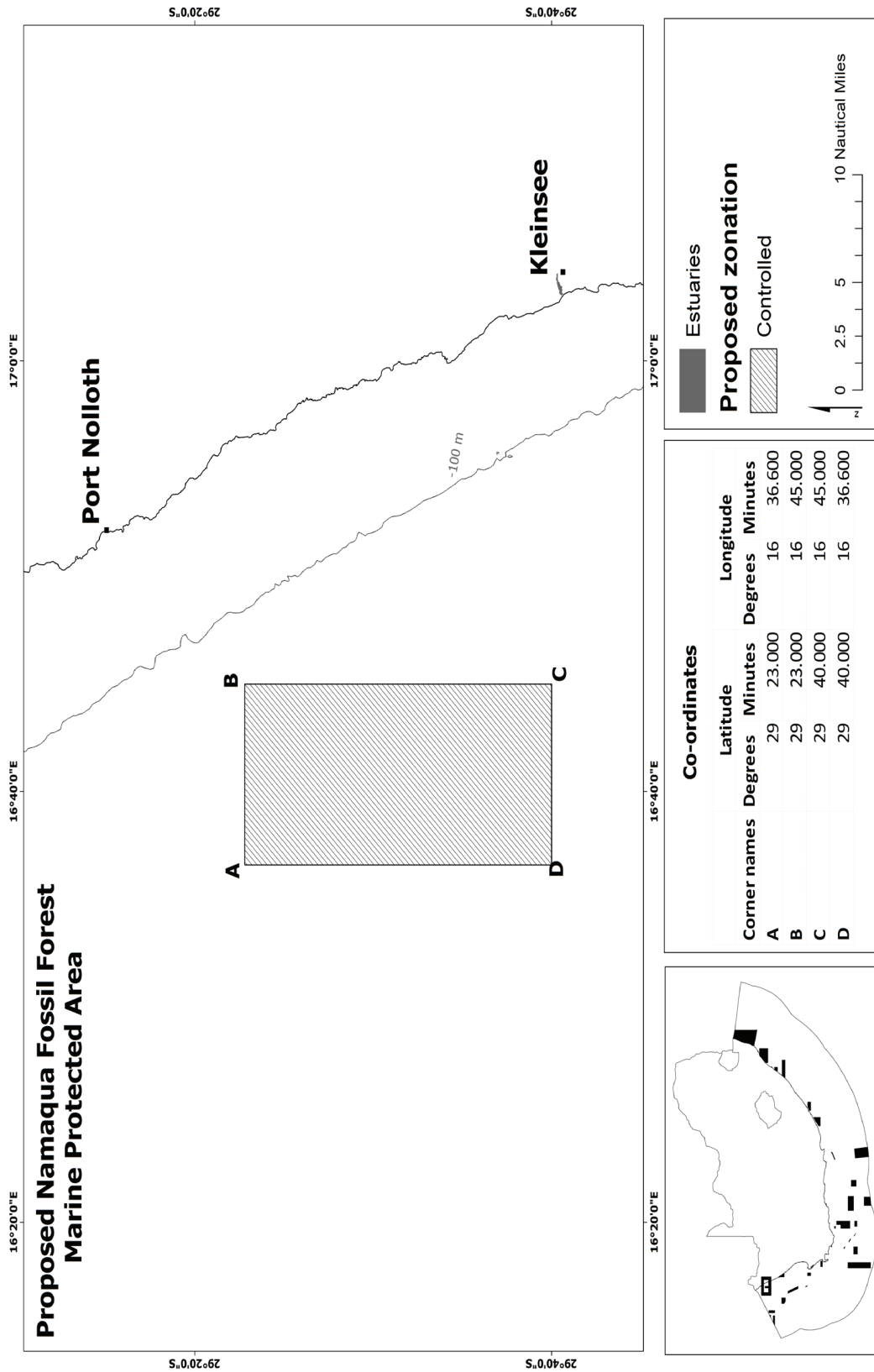


Fig. 1. The proposed boundaries for the Namaqua Fossil Forest Marine Protected Area

Table 1. The exact geographic coordinates (WGS 84) of points A-D in Fig 1.

Corner name	X (East) Decimal Degrees	Y (South) Decimal Degrees	X (East) Degrees	X (East) Minutes	Y (South) Degrees	Y (South) Minutes
A	16.6100	-29.3833	16	36.600	29	23.000
B	16.7500	-29.3833	16	45.000	29	23.000
C	16.7500	-29.6667	16	45.000	29	40.000
D	16.6100	-29.6667	16	36.600	29	40.000

DEPARTMENT OF ENVIRONMENTAL AFFAIRS

NO. R. 127

03 FEBRUARY 2016

**ENVIRONMENTAL MANAGEMENT: PROTECTED AREAS ACT, 2003
(ACT NO. 57 OF 2003)****DRAFT NOTICE DECLARING THE NAMAQUA NATIONAL PARK MARINE
PROTECTED AREA UNDER SECTION 22A OF THE NATIONAL
ENVIRONMENTAL MANAGEMENT: PROTECTED AREAS ACT, 2003 (ACT NO.
57 OF 2003)**

I, Bomo Edith Edna Molewa, Minister of Environmental Affairs, hereby publish for public comment, the intention to declare under section 22A of the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003), the Namaqua National Park Marine Protected Area as set out in the Schedule hereto.

Any person who wishes to submit representations or comments in connection with the proposed declaration is invited to do so within 90 days from the date of publication in the *Government Gazette* and by no later than 16h00 on the last day. Comments received after this time may not be considered. All representations and comments must be submitted in writing to the Deputy Director-General of the Department of Environmental Affairs, Branch Oceans and Coasts:

By post to: The Deputy Director-General
Environmental Affairs
Oceans and Coasts
Attention: Xola Mkefe
P.O Box 52126
V and A Waterfront, Cape Town
8002

By hand: East Pier Building 2, East Pier Road, V&A
Waterfront, Cape Town

By e-mail to: MPARegs@environment.gov.za
Enquiries: Xola Mkefe 021 819 2466



**BOMO EDITH EDNA MOLEWA
MINISTER OF ENVIRONMENTAL AFFAIRS**

SCHEDULE

All geographic co-ordinates are determined in accordance with the *WGS 84* datum, and all bearings are true bearings as set out in Annexure 1 hereto.

Boundaries of the Marine Protected Area

The Namaqua National Park Marine Protected Area in the Northern Cape is an inshore Marine Protected Area in the 0 to 150 m depth range between the Spoeg River in the north and Island Point in the south, adjacent to and south of the Namaqua National Park. The Namaqua National Marine Protected Area is bounded by a series of straight lines sequentially joining the following five coordinates: (A) 30° 27.5400' S, 17° 16.8600' E; (B) 30° 27.5400' S, 17° 20.8458' E; (C) 30° 55.0020' S, 17° 36.4200' E; (D) 30° 55.0020' S, 17° 19.9980' E; and (E) 30° 55.0020' S, 17° 36.4200' E. The area includes the sea bed, water column and subsoil within these boundaries.

Purpose

The purpose for declaring this Marine Protected Area is:

- (a) To contribute to a national and global representative system of marine protected areas by providing protection to the coastal and offshore benthic and pelagic ecosystems of the Namaqua region;
- (b) to conserve and protect threatened ecosystems;
- (c) to conserve and protect the biodiversity and ecological processes associated with these ecosystems;
- (d) to protect and regulate access to a scenic area which contributes to eco-tourism;
- (e) to protect the cultural heritage of archeological middens;
- (f) to facilitate species management by protecting nursery areas for fish species and allowing stock recovery and enhancing intertidal and subtidal resource abundance in adjacent areas; and
- (g) to protect and provide an appropriate reference environment for research and monitoring, including archaeological research, climate change research and research to assess biodiversity state and resource recovery.

Annexure 1:

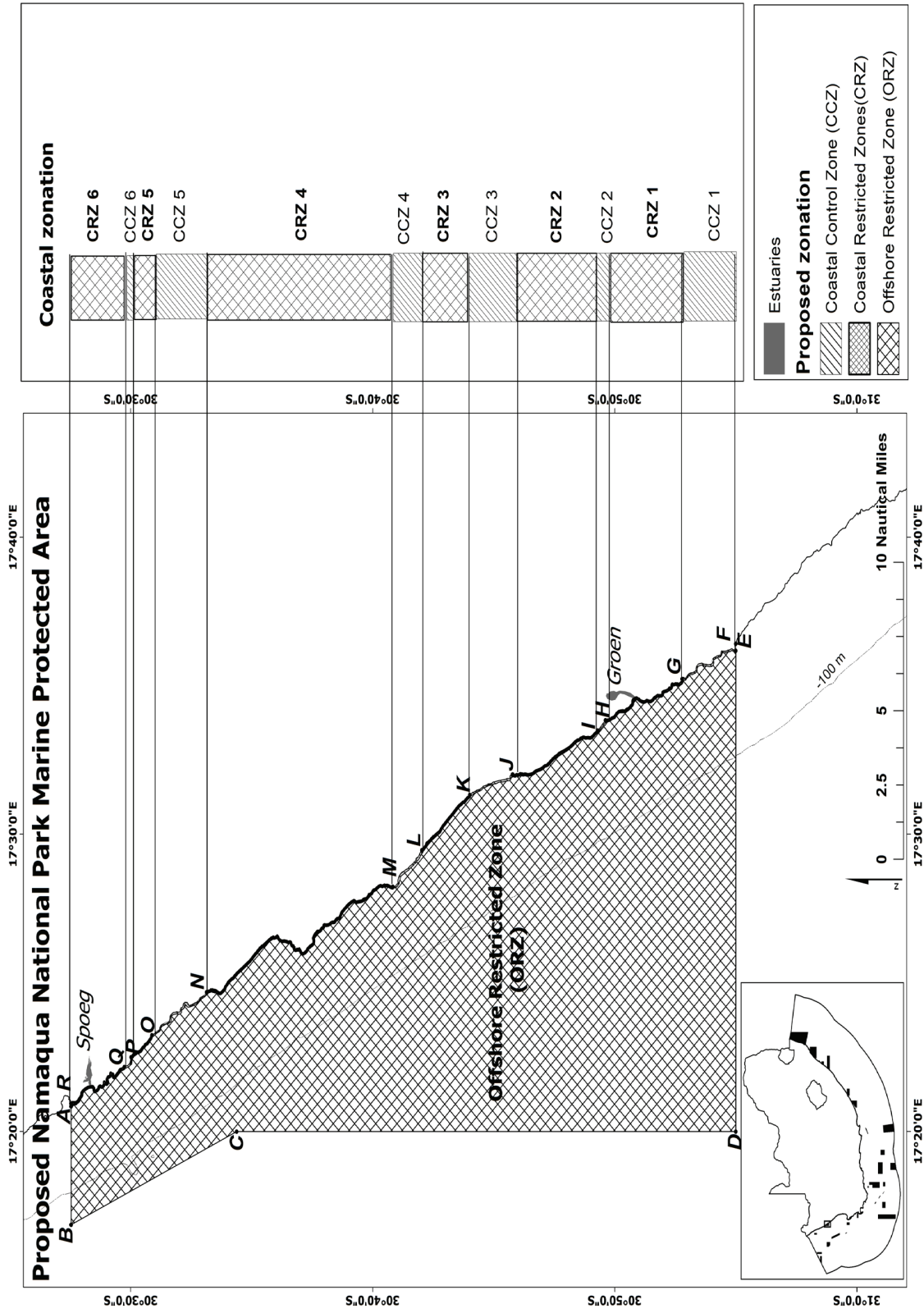


Fig. 1. The proposed boundaries for the Namaqua National Park Marine Protected Area.

Table 1. The exact geographic coordinates (WGS 84) of points A-R in Fig 1.

Corner	Latitude		Longitude		Zonation	
	Degrees	Minutes	Degrees	Minutes	Restricted	Controlled
A	30	27.5400	17	20.8458	ORZ	
B	30	27.5400	17	16.8600		
C	30	34.3800	17	19.9980		
D	30	55.0020	17	19.9980		
E	30	55.0020	17	36.1794		
F	30	55.0020	17	36.4200	CRZ 1	CCZ 1
G	30	52.7886	17	35.2344		CCZ 2
H	30	49.6188	17	33.8454	CRZ 2	CCZ 3
I	30	49.2918	17	33.5016		
J	30	45.7830	17	32.0178	CRZ 3	CCZ 4
K	30	44.0058	17	31.3314		
L	30	42.0300	17	29.4672	CRZ 4	CCZ 5
M	30	40.8342	17	28.2378		
N	30	33.1404	17	24.6900	CRZ 5	CCZ 6
O	30	30.8784	17	23.2404		
P	30	30.0210	17	22.5036	CRZ 6	
Q	30	29.7384	17	22.1694		
R	30	27.5400	17	20.9400		

DEPARTMENT OF ENVIRONMENTAL AFFAIRS

NO. R. 128

03 FEBRUARY 2016

**NATIONAL ENVIRONMENTAL MANAGEMENT: PROTECTED AREAS ACT, 2003
(ACT NO. 57 OF 2003)****DRAFT NOTICE DECLARING THE PROTEA BANKS MARINE PROTECTED
AREA UNDER SECTION 22A OF THE NATIONAL ENVIRONMENTAL
MANAGEMENT: PROTECTED AREAS ACT, 2003 (ACT NO. 57 OF 2003)**

I, Bomo Edith Edna Molewa, Minister of Environmental Affairs, hereby publish for public comment, the intention to declare under section 22A of the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003), the Protea Banks Marine Protected Area as set out in the Schedule hereto.

Any person who wishes to submit representations or comments in connection with the proposed declaration is invited to do so within 90 days from the date of publication in the *Government Gazette* and by no later than 16h00 on the last day. Comments received after this time may not be considered. All representations and comments must be submitted in writing to the Deputy Director-General of the Department of Environmental Affairs, Branch Oceans and Coasts:

Hand deliver to: The Deputy Director-General
Environmental Affairs

By post to: The Deputy Director-General
Environmental Affairs
Oceans and Coasts
Attention: Xola Mkefe
P.O Box 52126
V and A Waterfront, Cape Town
8002

By hand: East Pier Building 2, East Pier Road, V&A
Waterfront, Cape Town

By e-mail to: MPARegs@environment.gov.za
Enquiries: Xola Mkefe 021 819 2466



**BOMO EDITH EDNA MOLEWA
MINISTER OF ENVIRONMENTAL AFFAIRS**

SCHEDULE

All geographic co-ordinates are determined in accordance with the *WGS 84* datum, and all bearings are true bearings as detailed in Annexure 1 hereto.

Boundaries of the Marine Protected Area

The Protea Banks Marine Protected Area in KwaZulu-Natal is an offshore Marine Protected Area in the 20m to 3000m depth range with the southern portion lying adjacent to the existing Trafalgar Marine Protected Area. The Protea Banks Marine Protected Area is bounded by a series of straight lines sequentially joining the following six coordinates: (A) 30° 19.587' S, 30° 56.660' E; (B) 30° 20.233' S, 30° 56.660' E; (C) 30° 30' S, 30° 42' E; (D) 31° 30' S, 30° 42' E; (E) 31° 30' S, 30° 58.672' E; and (F) 30° 18' S, 30° 58.672' E and linking to the offshore boundary of the existing Trafalgar Marine Protected Area. The area includes the sea bed, water column and subsoil within these boundaries.

Purpose

The purpose for declaring this Marine Protected Area is:

- (a) To contribute to a national and global representative system of marine protected areas by providing protection to the offshore benthic and pelagic ecosystems of this region;
- (b) to conserve and protect submarine canyons, deep reefs, cold water coral reefs and other habitats of the shelf edge and slope;
- (c) to conserve and protect threatened ecosystems;
- (d) to conserve and protect the biodiversity and ecological processes associated with these ecosystems such as the sardine run;
- (e) to protect a scenic area with significant eco-tourism opportunities;
- (f) to support the recovery of linefish and shark species by protecting spawning and other aggregations; and
- (g) to facilitate species management and sustainable use of linefish to enhance species abundance in adjacent areas.

Annexure 1:

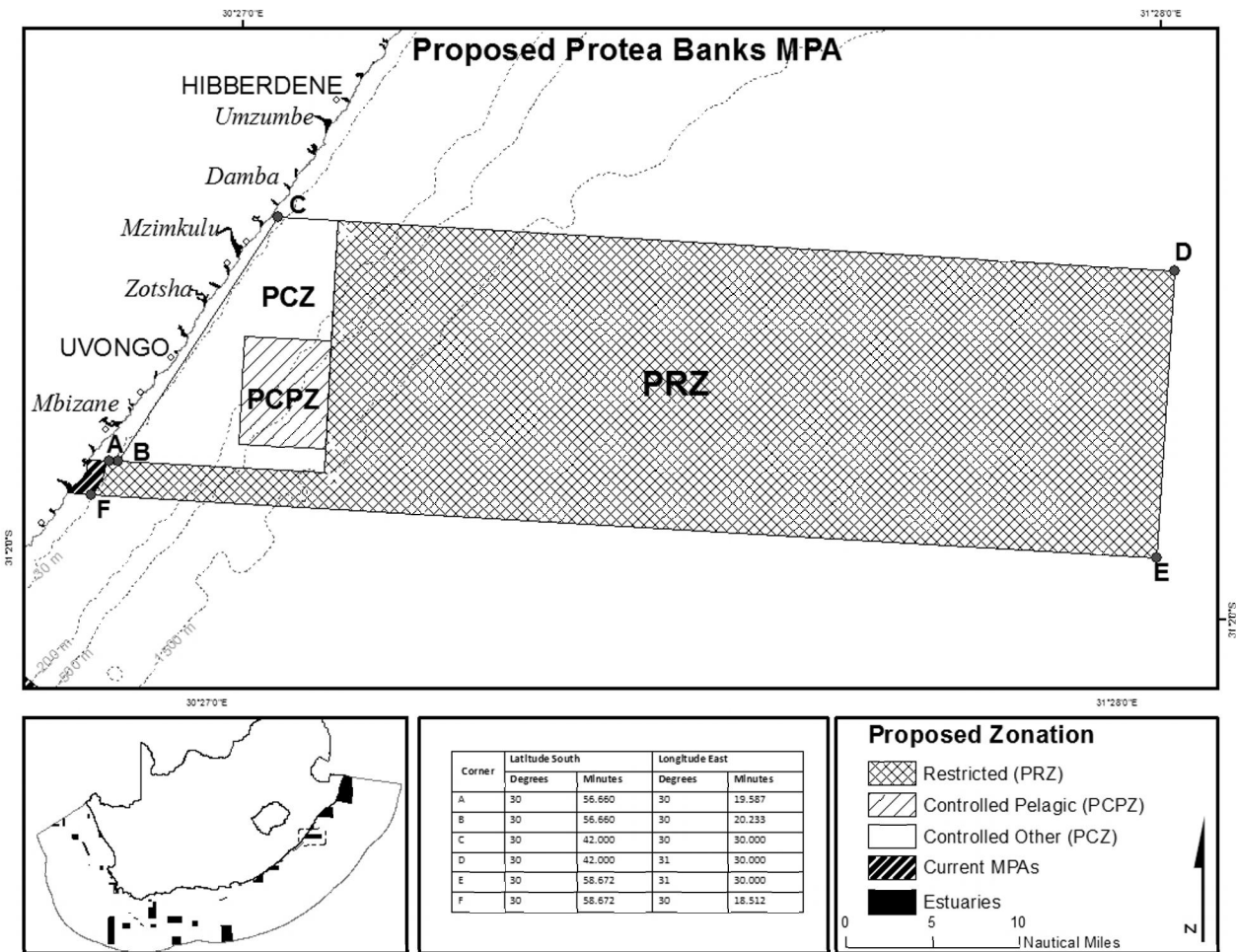


Fig. 1. The proposed boundaries for the Protea Banks Marine Protected Area.

Table 1. The exact geographic coordinates (WGS 84) of points A-F in Fig 1.

Corner name	X (East) Decimal Degrees	Y (South) Decimal Degrees	X (East) Degrees	X (East) Minutes	Y (South) Degrees	Y (South) Minutes
A	30.3265	-30.9443	30	19.587	30	56.660
B	30.3372	-30.9443	30	20.233	30	56.660
C	30.5000	-30.7000	30	30.000	30	42.000
D	31.5000	-30.7000	31	30.000	30	42.000
E	31.5000	-30.9779	31	30.000	30	58.672
F	30.3085	-30.9779	30	18.512	30	58.672

DEPARTMENT OF ENVIRONMENTAL AFFAIRS

NO. R. 129

03 FEBRUARY 2016

**NATIONAL ENVIRONMENTAL MANAGEMENT: PROTECTED AREAS ACT, 2003
(ACT NO. 57 OF 2003)****DRAFT NOTICE DECLARING THE ORANGE SHELF EDGE MARINE
PROTECTED AREA UNDER SECTION 22A OF THE NATIONAL
ENVIRONMENTAL MANAGEMENT: PROTECTED AREAS ACT, 2003 (ACT NO.
57 OF 2003)**

I, Bomo Edith Edna Molewa, Minister of Environmental Affairs, hereby publish for public comment, the intention to declare under section 22A of the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003), the Orange Shelf Edge Marine Protected Area as set out in the Schedule hereto.

Any person who wishes to submit representations or comments in connection with the proposed declaration is invited to do so within 90 days from the date of publication in the *Government Gazette* and by no later than 16h00 on the last day. Comments received after this time may not be considered. All representations and comments must be submitted in writing to the Deputy Director-General of the Department of Environmental Affairs, Branch Oceans and Coasts:

By post to: The Deputy Director-General
Environmental Affairs
Oceans and Coasts
Attention: Xola Mkefe
P.O Box 52126
V and A Waterfront, Cape Town
8002

By hand: East Pier Building 2, East Pier Road, V&A
Waterfront, Cape Town

By e-mail to: MPARegs@environment.gov.za
Enquiries: Xola Mkefe 021 819 2466



**BOMO EDITH EDNA MOLEWA
MINISTER OF ENVIRONMENTAL AFFAIRS**

SCHEDULE

All geographic co-ordinates are determined in accordance with the *WGS 84* datum, and all bearings are true bearings as set out in Annexure 1 hereto.

Boundaries of the Marine Protected Area

The Orange Shelf Edge Marine Protected Area in the Northern Cape is an offshore Marine Protected Area in the 250m to 1500m depth range lying approximately 95 nautical miles northwest of Port Nolloth. The Orange Shelf Edge Marine Protected Area is comprised of three separate areas, indicated as ORS 1, ORS 2 and ORS 3 in Annexure 1 as follows:

- (a) ORS 1 is bounded by a series of straight lines sequentially joining the following three coordinates: (A) 29° 43.56' S, 14° 51.9' E; (B) 29° 49.98' S, 14° 51.9' E; and (C) 29° 49.98' S, 14° 40.98' E;
- (b) ORS 2 is bounded by a series of straight lines sequentially joining the following four coordinates: (A) 29° 40' S, 15° 0' E; (B) 29° 40' S, 15° 10' E; (C) 30° 10' S, 15° 10' E; and (D) 30° 10' S, 15° 0' E; and
- (c) ORS 3 is bounded by a series of straight lines sequentially joining the following four coordinates: (A) 30° 0.06' S, 14° 24.18' E; (B) 30° 0.06' S, 14° 50.1' E; (C) 30° 10.026' S, 14° 50.1' E; and (D) 30° 10.02' S, 14° 8.22' E.

Two of the areas (Orange Shelf Edge 1 and Orange Shelf Edge 2) have their northwestern boundary coincident with the boundary between the exclusive economic zone of South Africa and Namibia.

The areas include the sea bed, water column and subsoil within these boundaries.

Purpose

The purpose for declaring this Marine Protected Area is:

- (a) To contribute to a national, regional and global representative system of marine protected areas by providing protection to benthic and pelagic ecosystems on the outer shelf, shelf edge and slope in this region;
- (b) to protect remnants of threatened seabed ecosystems particularly untrawled shelf edge areas;
- (c) to conserve and protect the biodiversity and ecological processes associated with these ecosystems;
- (d) to contribute to the conservation and protection of an area of importance for migratory species;
- (e) to facilitate species management by protecting components of aggregating areas for sharks and other species; and
- (f) to protect and provide an appropriate environment for research and monitoring particularly research on habitat impacts and recovery.

Annexure 1:

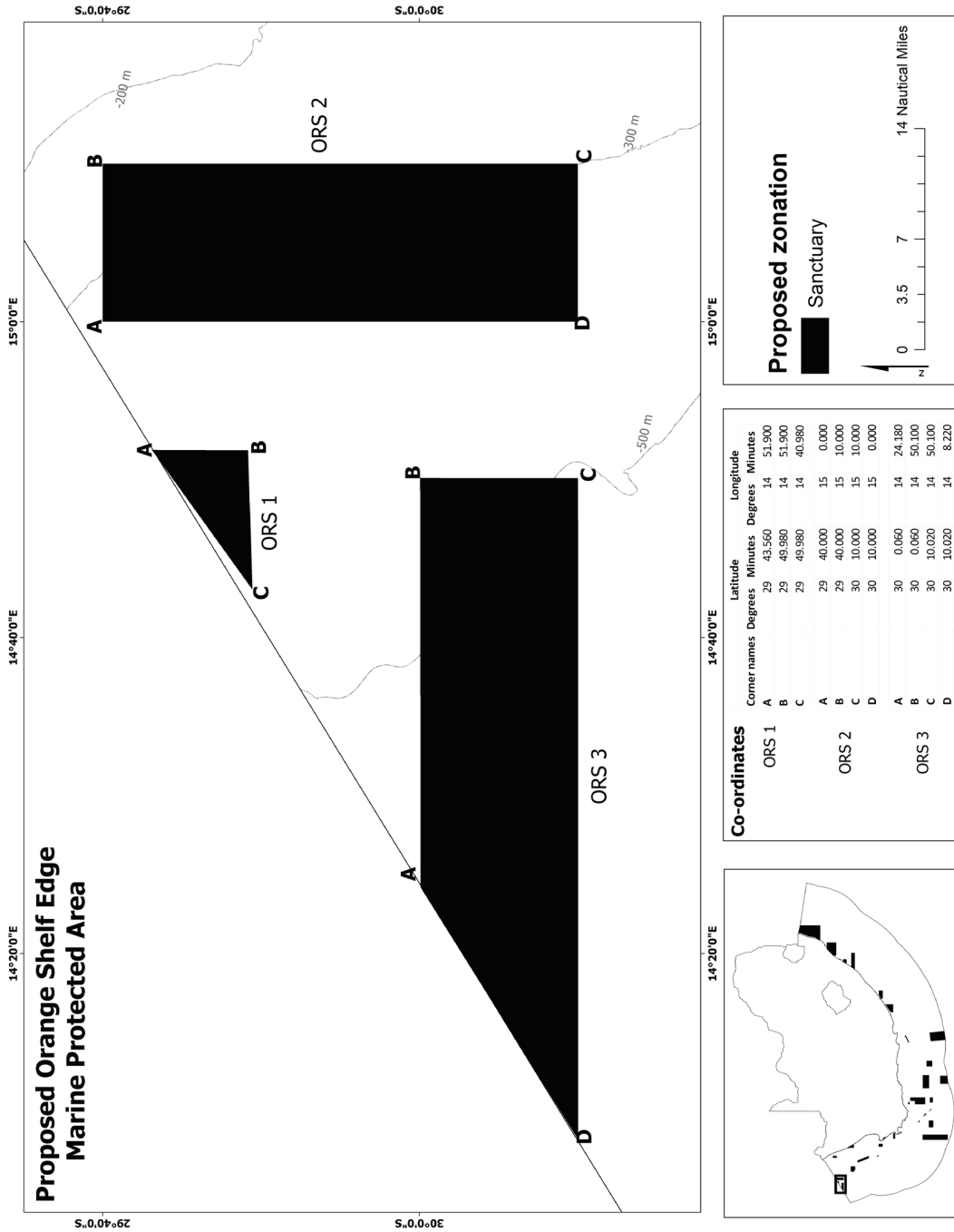


Fig. 1. The proposed boundaries for the Orange Shelf Edge Marine Protected Area

Table 1. The exact geographic coordinates {WGS 84} of points ORS 1 A-C and ORS 2 A-D and ORS 3 in Fig 1.

	Corner name	X (East) Decimal Degrees	Y (South) Decimal Degrees	X (East) Degrees	X (East) Minutes	Y (South) Degrees	Y (South) Minutes
Orange Shelf 1 (ORS 1)	A	14,865	-29,726	14	51,9	29	43,56
	B	14,866	-29,833	14	51,9	29	49,98
	C	14,683	-29,833	14	40,98	29	49,98
Orange Shelf 2 (ORS 2)	A	15.0000	-29.6667	15	0.000	29	40.000
	B	15.1667	-29.6667	15	10.000	29	40.000
	C	15.1667	-30.1667	15	10.000	30	10.000
	D	15.0000	-30.1667	15	0.000	30	10.000
Orange Shelf 3 (ORS 3)	A	14,403	-30,001	14	24,18	30	0,06
	B	14,835	-30,001	14	50,1	30	0,06
	C	14,835	-30,167	14	50,1	30	10,02
	D	14,137	-30,167	14	8,22	30	10,02

DEPARTMENT OF ENVIRONMENTAL AFFAIRS

NO. R. 130

03 FEBRUARY 2016

**NATIONAL ENVIRONMENTAL MANAGEMENT: PROTECTED AREAS
ACT, 2003
(ACT NO. 57 OF 2003)**

**DRAFT REGULATIONS FOR THE MANAGEMENT OF THE BENGUELA
MUDS MARINE PROTECTED AREA**

I, Bomo Edith Edna Molewa, Minister of Environmental Affairs, hereby publishes for public comment, the draft Regulations for the Management of the Benguela Muds Marine Protected Area in terms of sections 48A(2) and 86(1)(a), (b), (c) and (d) of the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003), as set out in the Schedule hereto.

Any person who wishes to submit representations or comments in connection with the draft regulations are invited to do so within 90 days from the date of publication in the *Government Gazette* and by no later than 16h00 on the last day. Comments received after this time may not be considered. All representations and comments must be submitted in writing to the Deputy Director-General of the Department of Environmental Affairs, Branch Oceans and Coasts:

By post to: **The Deputy Director-General
Environmental Affairs
Oceans and Coasts
Attention: Xola Mkefe
P.O Box 52126
V and A Waterfront, Cape Town
8002**

By hand: **East Pier Building 2, East Pier Road, V&A
Waterfront, Cape Town**

By e-mail to: **MPARegs@environment.gov.za**
Enquiries: **Xola Mkefe 021 819 2466**



**BOMO EDITH EDNA MOLEWA
MINISTER OF ENVIRONMENTAL AFFAIRS**

Schedule

1. Definitions

In these Regulations, unless the context indicates otherwise, a word or expression that is defined in the Act bears the same meaning in these Regulations, and in addition—

“Act” means the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003);

“certificate of competence” means a certificate of competence as defined in the National Small Vessel Safety Regulations, 2007;

“certificate of fitness” means a certificate of fitness as defined in the National Small Vessel Safety Regulations, 2007;

“Controlled Zone” means an area within a marine protected area where fishing or any other activity in terms of section 48A(1) of the Act may take place if authorised in terms of these regulations as contemplated in terms of section 48A(2) of the Act;

“environment” has the meaning assigned to it in section 1 of the National Environmental Management Act;

“fish” means any aquatic plant or animal whether piscine or not, and any mollusc, crustacean, coral, sponge, holothurian or other echinoderm, reptile and includes their eggs, larvae and all juvenile stages, but does not include sea birds, seals or any marine mammal;

“fishing” or to **“fish”** means—

- (a) searching for, catching, taking or harvesting fish or an attempt to any such activity;
- (b) engaging in any other activity which can reasonably be expected to result in the locating, catching, taking or harvesting of fish;
- (c) placing, searching for or recovering any fish aggregating device or associated gear, including radio beacons;
- (d) any operation in support or in preparation of any activity described in this definition; or
- (e) the use of an aircraft in relation to any activity described in this definition;

“hovercraft” means a craft that floats on a cushion of air and is capable of traversing water;

“Integrated Coastal Management Act” means the National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008);

“Marine Living Resources Act” means the Marine Living Resources Act, 1998 (Act No. 18 of 1998);

“Marine Protected Area” means the Benguela Muds Marine Protected Area as declared by the Minister in terms of section 22A of the Act;

“National Small Vessel Safety Regulations” means the Merchant Shipping (National Small Vessel Safety) Regulations, 2007, published in terms of section 356 of the Merchant Shipping Act, 1951 (Act No. 57 of 1951) and promulgated in Government Notice No. R. 705 of 8 August 2007;

“operate” in respect of a vessel, includes mooring in the water, drifting in the water and ascending or descending from its mooring, the shore, launch site, a buoy or a jetty;

“personal watercraft” means a vessel that uses an inboard motor powering a water jet pump as its primary source of propulsion, and is designed to be operated by a person or persons sitting, standing, or kneeling on rather than within the confines of a hull;

“vessel” means a waterborne craft of any kind whether a surface craft or submarine, and whether self-propelled or not, and includes any moored floating structure that can be used as a means of transport by water and includes a personal watercraft and hovercraft; and

“WGS 84” means the World Geodetic System of 1984 (G730), which is a geographic co-ordinate system.

2. Zonation within the Marine Protected Area

The entire Benguela Muds Marine Protected Area is zoned as a single Controlled Zone which is determined by using WGS 84 as detailed in Annexure 1 hereto.

3. Scientific research permit

- (1) No person may undertake any scientific research within the Marine Protected Area, except on the authority of a scientific research permit issued by the Minister.
- (2) Application for a scientific research permit in terms of sub-regulation (1) must be made to the Minister in accordance with the provisions of section 83 of the Marine Living Resources Act or any regulations published under the Integrated Coastal Management Act.

4. General restrictions within the Marine Protected Area

- (1) The owner, skipper or operator of a vessel shall not enter or operate a vessel in the Marine Protected Area without a valid certificate of competence and a certificate of fitness issued in respect of such vessel, and such original certificates must be available for inspection at all times.
- (2) A vessel shall not enter the Marine Protected Area unless the marking approved for that vessel in accordance with the provisions of the Merchant Shipping Act, 1951 (Act No. 57 of 1951), is displayed on the vessel at all times while the vessel is inside the Marine Protected Area.
- (3) The owner, skipper or operator of a vessel shall not enter or operate a vessel in the Marine Protected Area unless such vessel and any other equipment or contents of such vessel, comply with the safety and other requirements specified in the Merchant Shipping Act, 1951 (Act No. 57 of 1951) for such vessel.

5. Use of vessels

- (1) No person may moor or anchor any vessel in the Marine Protected Area except—
 - (a) under conditions of *force majeure*; or
 - (b) for the use of a vessel by an employee of the Department or any other organ of state acting in the course and scope of their employment or mandate.
- (2) Despite sub-regulation (1), the Minister may on application and on such conditions as he or she may deem appropriate, authorise the anchoring or mooring of a vessel in the following circumstances-
 - (a) in an emergency; or
 - (b) where the Minister may deem it to be necessary in order to ensure the proper management of the Marine Protected Area.
- (3) The Minister may verbally authorise a vessel to moor or anchor within the Marine Protected Area as contemplated in sub-regulation (2), which verbal authorisation must be confirmed in writing within 3 working days.

6. Restriction of activities

No person may undertake any activity listed in section 48A(1) of the Act, in the Marine Protected Area, unless authorised to do so in terms of these regulations.

7. Control of activities in Marine Protected Area

- (1) No person shall fish, or attempt to fish, from a vessel in the Marine Protected Area unless:
 - (a) they are in possession of a valid fishing permit in the large pelagic or small pelagic commercial fishing sectors issued in terms of the Marine Living Resources Act and such permit authorises fishing within the Marine Protected Area; or
 - (b) they are in possession of a valid recreational fishing permit issued in terms of the Marine Living Resources Act.
- (2) No person shall undertake recreational fishing in the Marine Protected Area in the period between 17h00 in the evening and 06h00 of the following day.
- (3) Fishing gear onboard a vessel or in possession of any person that enters or is present in the Marine Protected Area and who is not authorised to fish in terms of sub-regulation (1) must be stowed in the following manner:
 - (a) In the case of line fishing from a vessel, all hooks, lures, and weights are disconnected from the line, all the line is reeled onto the reel or rolled up, and that rolled up line, hooks, lures, bait and weights on the vessel are placed away in the cabin, wheel house or console of the vessel;
 - (b) in the case of purse-seine fishing, the boom shall be lowered as far as possible so that the vessel cannot be used for fishing but so that the skiff is accessible for use in emergency situations;
 - (c) in the case of a trawl fishing, all nets, trawl boards and weights shall be disconnected from their towing or hauling wires, ropes or rigid frames and either stowed below deck or securely lashed to some part of the superstructure of the fishing vessel;

- (d) in the case of rock lobster fishing, all traps shall be on board and tied down, and all dinghies shall be on board and securely lashed to some part of the superstructure of the fishing vessel;
- (e) in the case of fishing with traps other than rock lobster traps, all traps shall be on board and tied down; and
- (f) in the case of longline fishing, all gear shall be covered and the cover secured.

8. Suspension, amendment and cancellation of permits

- (1) Subject to sub-regulations (2) and (3), a permit issued under these regulations may be suspended, cancelled or amended at any time.
- (2) A permit issued in terms of these regulations may be suspended, cancelled or amended, if—
 - (a) the Minister is satisfied on the basis of information that was not considered when the permit was issued, that it is necessary or desirable to suspend, cancel or amend the permit to prevent deterioration or further deterioration of the environment within the Marine Protected Area;
 - (b) similar permits held by other persons have also been reviewed and the suspension, cancellation or amendment does not unfairly discriminate against the holder in relation to other holders of similar permits;
 - (c) permit holder is in breach of a condition contained in the permit;
 - (d) permit holder provided incorrect or false information in the application for the permit;
 - (e) holder of a permit has been convicted of an offence in terms of the Act, the National Environmental Management Act or a specific environmental management act or any regulations issued thereunder; or
 - (f) reason for the issuing of the permit no longer exists.
- (3) A permit issued in terms of these regulations may be amended—
 - (a) an error needs to be corrected or rectified;

- (c) the proper management and implementation of these regulations; or
- (d) the conditions or circumstances have changed since the original permit was issued.

9. Offences and penalties

In addition to any offence in terms of section 89 of the Act, any person who contravenes or fails to comply with—

- (a) regulations 3(1), 4, 5(1), 6 or 7;
- (b) a condition mentioned in a permit issued in terms of these regulations; or
- (c) a prohibition, instruction, rule or order imposed, given or issued under these regulations;

is guilty of an offence and liable in the case of a first conviction to a fine not exceeding R5 million or to imprisonment for a period not exceeding five years and in the case of a second or subsequent conviction to a fine not exceeding R10 million or imprisonment for a period not exceeding 10 years or in both instances to both a fine and such imprisonment.

10. Short title and commencement

These regulations are called the Benguela Muds Marine Protected Area Regulations and commence upon date of publication in the *Gazette*.

Annexure 1 (Zonation of Benguela Muds Marine Protected Area)

The Benguela Muds Marine Protected Area is zoned as a single Controlled Zone. The Benguela Muds Marine Protected Area is bounded by a series of straight lines sequentially joining the following four coordinates (A) 32° 35' S, 16° 40'E; (B) 32° 35' S, 16° 44' E; (C) 32° 43' S, 16° 49' E; and (D) 32° 43' S, 16° 45'E. The area includes the sea bed, water column and subsoil within these boundaries.

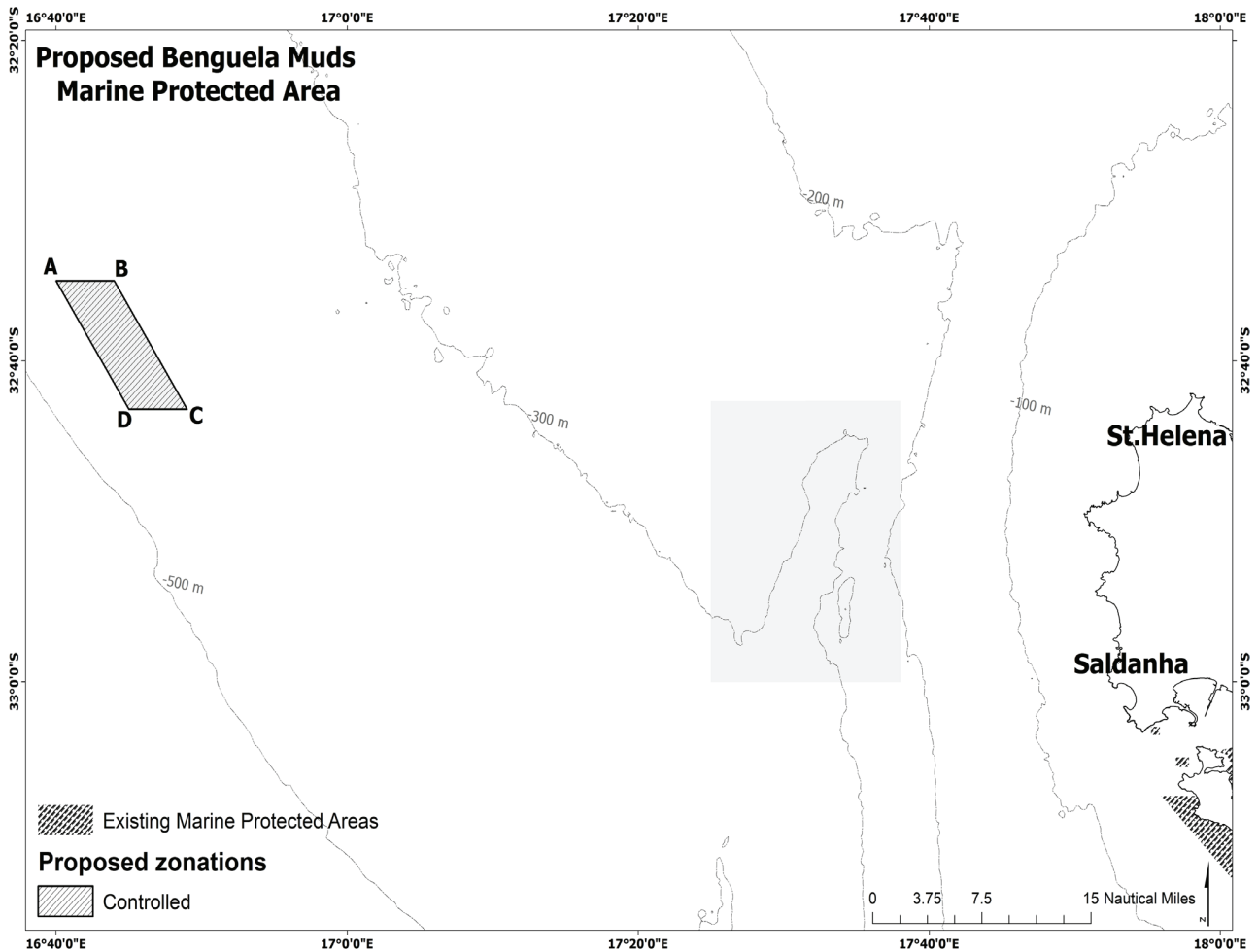


Fig. 1. The proposed zonation for the Benguela Muds Marine Protected Area

DEPARTMENT OF ENVIRONMENTAL AFFAIRS

NO. R. 131

03 FEBRUARY 2016

**NATIONAL ENVIRONMENTAL MANAGEMENT: PROTECTED AREAS
ACT, 2003
(ACT NO. 57 OF 2003)**

**DRAFT REGULATIONS FOR THE MANAGEMENT OF THE BROWNS
BANK COMPLEX MARINE PROTECTED AREA**

I, Bomo Edith Edna Molewa, Minister of Environmental Affairs, hereby publishes for public comment, the draft Regulations for the Management of the Browns Bank Complex Marine Protected Area in terms of sections 48A(2) and 86(1)(a), (b), (c) and (d) of the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003), as set out in the Schedule hereto.

Any person who wishes to submit representations or comments in connection with the draft regulations are invited to do so within 90 days from the date of publication in the *Government Gazette* and by no later than 16h00 on the last day. Comments received after this time may not be considered. All representations and comments must be submitted in writing to the Deputy Director-General of the Department of Environmental Affairs, Branch Oceans and Coasts:

By post to: The Deputy Director-General
Environmental Affairs
Oceans and Coasts
Attention: Xola Mkefe
P.O Box 52126
V and A Waterfront, Cape Town
8002

By hand: East Pier Building 2, East Pier Road, V&A
Waterfront, Cape Town

By e-mail to: MPARegs@environment.gov.za
Enquiries: Xola Mkefe 021 819 2466



**BOMO EDITH EDNA MOLEWA
MINISTER OF ENVIRONMENTAL AFFAIRS**

Schedule

1. Definitions

In these Regulations, unless the context indicates otherwise, a word or expression that is defined in the Act bears the same meaning in these Regulations, and in addition-

“Act” means the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003);

“certificate of competence” means a certificate of competence as defined in the National Small Vessel Safety Regulations, 2007;

“certificate of fitness” means a certificate of fitness as defined in the National Small Vessel Safety Regulations, 2007;

“environment” has the meaning assigned to it in section 1 of the National Environmental Management Act;

“fish” means any aquatic plant or animal whether piscine or not, and any mollusc, crustacean, coral, sponge, holothurian or other echinoderm, reptile and includes their eggs, larvae and all juvenile stages, but does not include sea birds, seals or any marine mammal;

“fishing” or to **“fish”** means—

- (a) searching for, catching, taking or harvesting fish or an attempt to any such activity;
- (b) engaging in any other activity which can reasonably be expected to result in the locating, catching, taking or harvesting of fish;
- (c) placing, searching for or recovering any fish aggregating device or associated gear, including radio beacons;
- (d) any operation in support or in preparation of any activity described in this definition; or
- (e) the use of an aircraft in relation to any activity described in this definition;

“hovercraft” means a craft that floats on a cushion of air and is capable of traversing water;

“Integrated Coastal Management Act” means the National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008);

“Marine Living Resources Act” means the Marine Living Resources Act, 1998 (Act No. 18 of 1998);

“Marine Protected Area” means the Browns Bank Complex Marine Protected Area as declared by the Minister in terms of section 22A of the Act;

“National Small Vessel Safety Regulations” means the Merchant Shipping (National Small Vessel Safety) Regulations, 2007, published in terms of section 356 of the Merchant Shipping Act, 1951 (Act No. 57 of 1951) and promulgated in Government Notice No. R. 705 of 8 August 2007;

“operate” in respect of a vessel, includes mooring in the water, drifting in the water and ascending or descending from its mooring, the shore, launch site, a buoy or a jetty;

“personal watercraft” means a vessel that uses an inboard motor powering a water jet pump as its primary source of propulsion, and is designed to be operated by a person or persons sitting, standing, or kneeling on rather than within the confines of a hull;

“Restricted Zone” means an area within the Marine Protected Area where no fishing may take place, but where any other activity in terms of section 48A(1) of the Act may take place if authorised in terms of these regulations as contemplated in terms of section 48A(2) of the Act.

“vessel” means a waterborne craft of any kind whether a surface craft or submarine, and whether self-propelled or not, and includes any moored floating structure that can be used as a means of transport by water and includes a personal watercraft and hovercraft; and

“WGS 84” means the World Geodetic System of 1984 (G730), which is a geographic co-ordinate system.

2. Zonation within the Marine Protected Area

The entire Browns Bank Complex Marine Protected Area is zoned as a single Restricted Zone which is determined by using WGS 84 as detailed in Annexure 1 hereto.

3. Scientific research permit

- (1) No person may undertake any scientific research within the Marine Protected Area, except on the authority of a scientific research permit issued by the Minister.

- (2) Application for a scientific research permit in terms of sub-regulation (1) must be made to the Minister in accordance with the provisions of section 83 of the Marine Living Resources Act or any regulations published under the Integrated Coastal Management Act.

4. General restrictions within the Marine Protected Area

- (1) The owner, skipper or operator of a vessel shall not enter or operate a vessel in the Marine Protected Area without a valid certificate of competence and a certificate of fitness issued in respect of such vessel, and such original certificates must be available for inspection at all times.
- (2) A vessel shall not enter the Marine Protected Area unless the marking approved for that vessel in accordance with the provisions of the Merchant Shipping Act, 1951 (Act No. 57 of 1951), is displayed on the vessel at all times while the vessel is inside the Marine Protected Area.
- (3) The owner, skipper or operator of a vessel shall not enter or operate a vessel in the Marine Protected Area unless such vessel and any other equipment or contents of such vessel, comply with the safety and other requirements specified in the Merchant Shipping Act, 1951 (Act No. 57 of 1951) for such vessel.

5. Use of vessels

- (1) No person may moor or anchor any vessel in the Marine Protected Area except—
 - (a) under conditions of *force majeure*; or
 - (b) for the use of a vessel by an employee of the Department or any other organ of state acting in the course and scope of their employment or mandate.
- (2) Despite sub-regulation (1), the Minister may on application and on such conditions as he or she may deem appropriate, authorise the anchoring or mooring of a vessel in the following circumstances:
 - (a) in an emergency; or
 - (b) where the Minister may deem it to be necessary in order to ensure the proper management of the Marine Protected Area.

- (3) The Minister may verbally authorise a vessel to moor or anchor within the Marine Protected Area as contemplated in sub-regulation (2), which verbal authorisation must be confirmed in writing within 3 working days.

6. Restriction of activities

No person may undertake any activity listed in section 48A(1) of the Act, in the Marine Protected Area, unless authorised to do so in terms of these regulations.

7. Control of activities in Marine Protected Area

- (1) No person shall fish, or attempt to fish, in the Marine Protected Area.
- (2) Fishing gear onboard a vessel or in possession of any person that enters or is present in the Marine Protected Area must be stowed in in the following manner:
 - (a) In the case of line fishing from a vessel, all hooks, lures, and weights are disconnected from the line, all the line is reeled onto the reel or rolled up, and that rolled up line, hooks, lures, bait and weights on the vessel are placed away in the cabin, wheel house or console of the vessel;
 - (b) in the case of purse-seine fishing the boom shall be lowered as far as possible so that the vessel cannot be used for fishing but so that the skiff is accessible for use in emergency situations;
 - (c) in the case of a trawl fishing, all nets, trawl boards and weights shall be disconnected from their towing or hauling wires, ropes or rigid frames and either stowed below deck or securely lashed to some part of the superstructure of the fishing vessel;
 - (d) in the case of rock lobster fishing all traps shall be on board and tied down; and all dinghies shall be on board and securely lashed to some part of the superstructure of the fishing vessel;
 - (e) in the case of fishing with traps other than rock lobster traps, all traps shall be on board and tied down; and
 - (f) in the case of longline fishing, all gear shall be covered and the cover secured.

8. Suspension, amendment and cancellation of permits

- (1) Subject to sub-regulations (2) and (3), a permit issued under these regulations may be suspended, cancelled or amended at any time.
- (2) A permit issued in terms of these regulations may be suspended, cancelled or amended, if—
 - (a) the Minister is satisfied on the basis of information that was not considered when the permit was issued, that it is necessary or desirable to suspend, cancel or amend the permit to prevent deterioration or further deterioration of the environment within the Marine Protected Area;
 - (b) other similar permits held by other persons have also been reviewed and the suspension, cancellation or amendment does not unfairly discriminate against the holder in relation to other holders of similar permits;
 - (c) the permit-holder is in breach of a condition contained in the permit;
 - (d) the permit-holder provided incorrect or false information in the application for the permit;
 - (e) the holder of a permit has been convicted of an offence in terms of the Act, the National Environmental Management Act or a specific environmental management act or any regulations issued thereunder; or
 - (f) the reason for the issuing of the permit no longer exists.
- (2) A permit issued in terms of these regulations may be amended—
 - (a) if an error needs to be corrected or rectified;
 - (b) at the request of the applicant;
 - (c) for the proper management and implementation of these regulations; or
 - (d) where the conditions or circumstances have changed since the original permit was issued.

9. Offences and penalties

In addition to any offence in terms of section 89 of the Act, any person who contravenes or fails to comply with—

- (a) regulations 3(1), 4, 5(1), 6 or 7;
- (b) a condition mentioned in a permit issued in terms of these regulations; or
- (c) a prohibition, instruction, rule or order imposed, given or issued under these regulations;

is guilty of an offence and liable in the case of a first conviction to a fine not exceeding R5 million or to imprisonment for a period not exceeding five years and in the case of a second or subsequent conviction to a fine not exceeding R10 million or imprisonment for a period not exceeding 10 years or in both instances to both a fine and such imprisonment.

10. Short title and commencement

These regulations are called the Browns Bank Complex Marine Protected Area Regulations and commence upon date of publication in the *Gazette*.

Annexure 1

(Zonation of Browns Bank Complex Marine Protected Area)

The Browns Bank Complex Marine Protected Area is zoned as a single Restricted Zone. The Browns Bank Complex Marine Protected Area is bounded by a series of straight lines sequentially joining the following four coordinates (A) 36° 25' S, 20° 38' E; (B) 36° 25' S, 21° 0' E; (C) 36° 38' S, 21° 0' E; (D) 36° 38' S, 20° 38' E. The area includes the sea bed, water column and subsoil within these boundaries.

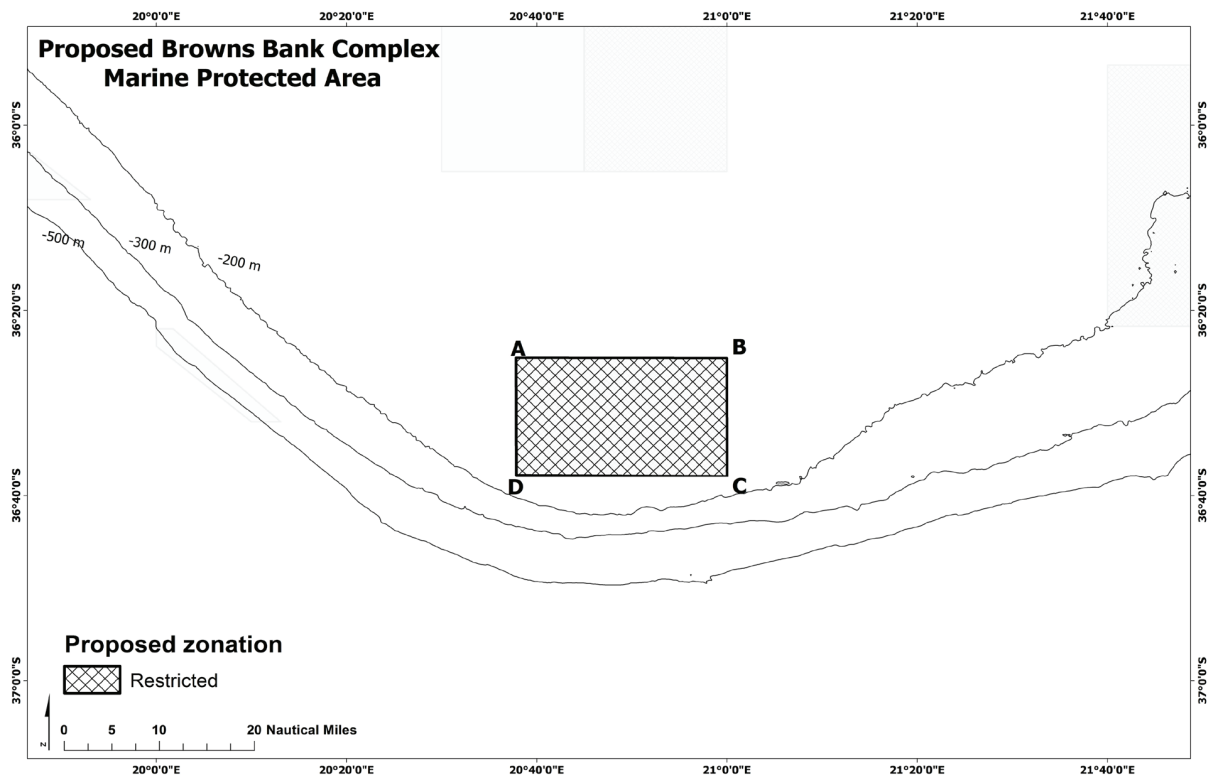


Fig. 1. The proposed zonation for the Browns Bank Complex Marine Protected Area

DEPARTMENT OF ENVIRONMENTAL AFFAIRS

NO. R. 132

03 FEBRUARY 2016

**NATIONAL ENVIRONMENTAL MANAGEMENT: PROTECTED AREAS ACT, 2003
(ACT NO. 57 OF 2003)****DRAFT NOTICE DECLARING THE BENGUELA MUDS MARINE PROTECTED
AREA UNDER SECTION 22A OF THE NATIONAL ENVIRONMENTAL
MANAGEMENT: PROTECTED AREAS ACT, 2003 (ACT NO. 57 OF 2003)**

I, Bomo Edith Edna Molewa, Minister of Environmental Affairs, hereby publishes for public comment, the intention to declare under section 22A of the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003), the Benguela Muds Marine Protected Area as set out in the Schedule hereto.

Any person who wishes to submit representations or comments in connection with the proposed declaration is invited to do so within 90 days from the date of publication in the *Government Gazette* and by no later than 16h00 on the last day. Comments received after this time may not be considered. All representations and comments must be submitted in writing to the Deputy Director-General of the Department of Environmental Affairs, Branch Oceans and Coasts:

By post to: **The Deputy Director-General
Environmental Affairs
Oceans and Coasts
Attention: Xola Mkefe
P.O Box 52126
V and A Waterfront, Cape Town
8002**

By hand: **East Pier Building 2, East Pier Road, V&A
Waterfront, Cape Town**

By e-mail to: **MPAREgs@environment.gov.za**
Enquiries: **Xola Mkefe 021 819 2466**



**BOMO EDITH EDNA MOLEWA
MINISTER OF ENVIRONMENTAL AFFAIRS**

SCHEDULE

All geographic co-ordinates are determined in accordance with the *WGS 84* datum, and all bearings are true bearings as set out in Annexure 1 hereto.

Boundaries of the Marine Protected Area

The Benguela Muds Marine Protected Area in the Western Cape is an offshore Marine Protected Area in the 350m to 400m depth zone lying approximately 57 nautical miles west of St Helena Bay. The Benguela Muds Marine Protected Area is bounded by a series of straight lines sequentially joining the following four coordinates: (A) 32° 35' S, 16° 40'E; (B) 32° 35' S, 16° 44' E; (C) 32° 43' S, 16° 49' E; and (D) 32° 43' S, 16° 45'E. The area includes the sea bed, water column and subsoil within these boundaries.

Purpose

The purpose for declaring this Marine Protected Area is:

- (a) To contribute to a national and global representative system of marine protected areas by providing protection to benthic ecosystems on the shelf edge in this region;
- (b) to protect remnants of threatened seabed ecosystems particularly mud habitats;
- (c) to conserve and protect the biodiversity and ecological processes associated with these ecosystems; and
- (d) to protect and provide an appropriate reference environment for research and monitoring particularly research on habitat impacts and recovery.

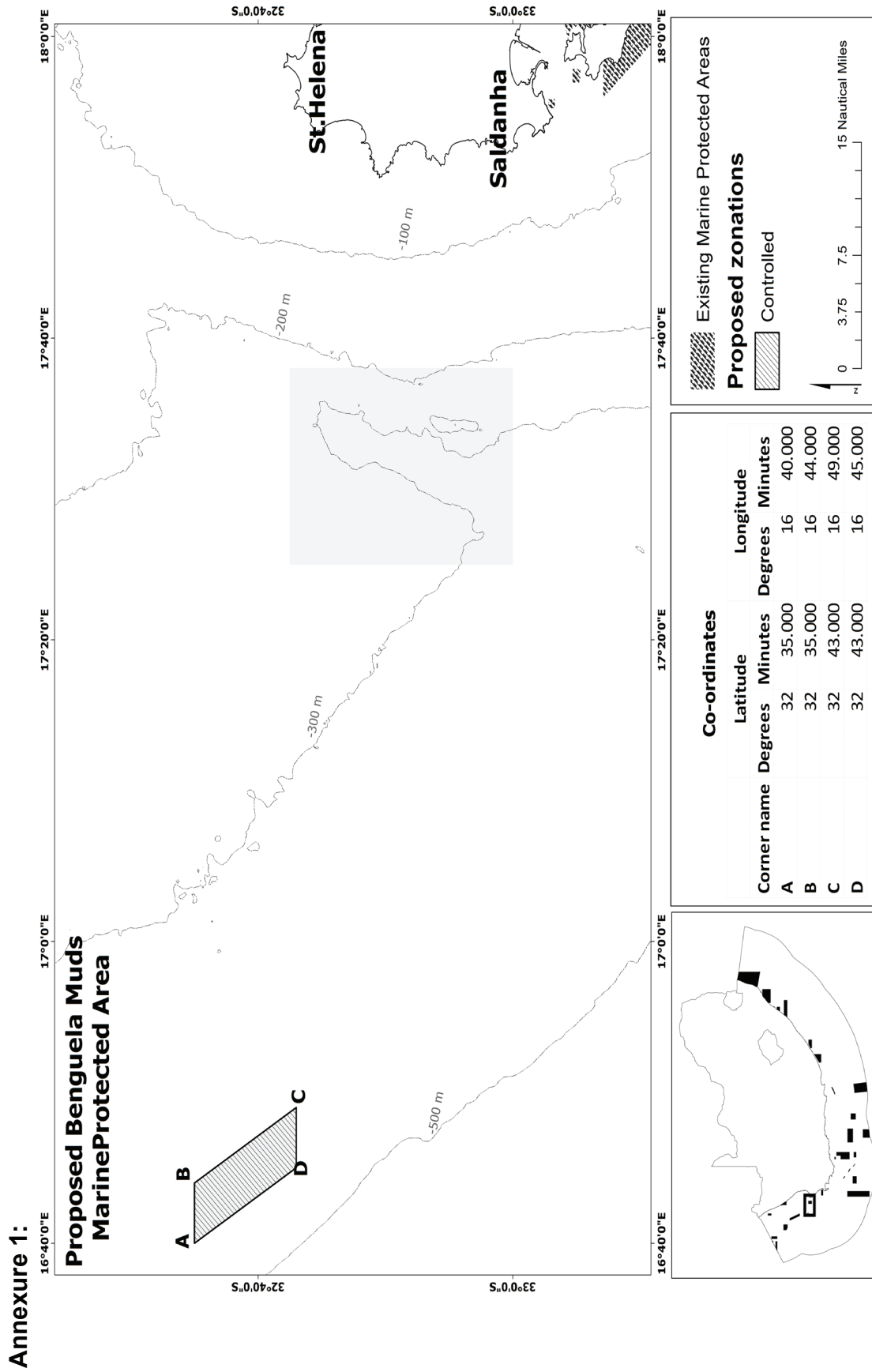


Figure 1. The proposed boundaries for the Benguela Muds Marine Protected Area.

Table1. The exact geographic coordinates (WGS 84) of points A-D in Fig 1.

Corner name	X (East) Decimal Degrees	Y (South) Decimal Degrees	X (East) Degrees	X (East) Minutes	Y (South) Degrees	Y (South) Minutes
A	16.6667	-32.5833	16	40.000	32	35.000
B	16.7333	-32.5833	16	44.000	32	35.000
C	16.8167	-32.7167	16	49.000	32	43.000
D	16.7500	-32.7167	16	45.000	32	43.000

DEPARTMENT OF ENVIRONMENTAL AFFAIRS

NO. R. 133

03 FEBRUARY 2016

**NATIONAL ENVIRONMENTAL MANAGEMENT: PROTECTED AREAS ACT,
2003
(ACT NO. 57 OF 2003)**

**DRAFT REGULATIONS FOR THE MANAGEMENT OF THE AGULHAS
FRONT MARINE PROTECTED AREA**

I, Bomo Edith Edna Molewa, Minister of Environmental Affairs, hereby publish for public comment, the draft Regulations for the Management of the Agulhas Front Marine Protected Area in terms of sections 48A(2) and 86(1)(a), (b), (c) and (d) of the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003), as set out in the Schedule hereto.

Any person who wishes to submit representations or comments in connection with the draft regulations are invited to do so within 90 days from the date of publication in the *Government Gazette* and by no later than 16h00 on the last day. Comments received after this time may not be considered. All representations and comments must be submitted in writing to the Deputy Director-General of the Department of Environmental Affairs, Branch Oceans and Coasts:

By post to: **The Deputy Director-General
Environmental Affairs
Oceans and Coasts
Attention: Xola Mkefe
P.O Box 52126
V and A Waterfront, Cape Town
8002**

By hand: **East Pier Building 2, East Pier Road, V&A
Waterfront, Cape Town**

By e-mail to: **MPARegs@environment.gov.za**
Enquiries: **Xola Mkefe 021 819 2466**



**BOMO EDITH EDNA MOLEWA
MINISTER OF ENVIRONMENTAL AFFAIRS**

Schedule

1. Definitions

In these Regulations, unless the context indicates otherwise, a word or expression that is defined in the Act bears the same meaning in these Regulations, and in addition—

“Act” means the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003);

“certificate of competence” means a certificate of competence as defined in the National Small Vessel Safety Regulations, 2007;

“certificate of fitness” means a certificate of fitness as defined in the National Small Vessel Safety Regulations, 2007;

“environment” has the meaning assigned to it in section 1 of the National Environmental Management Act;

“fish” means any aquatic plant or animal whether piscine or not, and any mollusc, crustacean, coral, sponge, holothurian or other echinoderm, reptile and includes their eggs, larvae and all juvenile stages, but does not include sea birds, seals or any marine mammal;

“fishing” or to **“fish”** means—

- (a) searching for, catching, taking or harvesting fish or an attempt to any such activity;
- (b) engaging in any other activity which can reasonably be expected to result in the locating, catching, taking or harvesting of fish;
- (c) placing, searching for or recovering any fish aggregating device or associated gear, including radio beacons;
- (d) any operation in support or in preparation of any activity described in this definition; or
- (e) the use of an aircraft in relation to any activity described in this definition;

“hovercraft” means a craft that floats on a cushion of air and is capable of traversing water;

“Integrated Coastal Management Act” means the National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008);

“Marine Living Resources Act” means the Marine Living Resources Act, 1998 (Act No. 18 of 1998);

“Marine Protected Area” means the Agulhas Front Marine Protected Area as declared by the Minister in terms of section 22A of the Act;

“National Small Vessel Safety Regulations” means the Merchant Shipping (National Small Vessel Safety) Regulations, 2007, published in terms of section 356 of the Merchant Shipping Act, 1951 (Act No. 57 of 1951) and promulgated in Government Notice No. R. 705 of 8 August 2007;

“personal watercraft” means a vessel that uses an inboard motor powering a water jet pump as its primary source of propulsion, and is designed to be operated by a person or persons sitting, standing, or kneeling on rather than within the confines of a hull;

“operate” in respect of a vessel, includes mooring in the water, drifting in the water and ascending or descending from its mooring, the shore, launch site, a buoy or a jetty;

“Restricted Zone” means an area within a marine protected area where no fishing may take place, but where any other activity in terms of section 48A(1) of the Act may take place if authorised in terms of these regulations as contemplated in terms of section 48A(2) of the Act;

“vessel” means a waterborne craft of any kind whether a surface craft or submarine, and whether self-propelled or not, and includes any moored floating structure that can be used as a means of transport by water and includes a personal watercraft and hovercraft; and

“WGS 84” means the World Geodetic System of 1984 (G730), which is a geographic co-ordinate system.

2. Zonation within the Marine Protected Area

The entire Agulhas Front Marine Protected Area is zoned as a single Restricted Zone which is determined by using WGS 84 as detailed in Annexure 1.

3. Scientific research permit

- (1) No person may undertake any scientific research within the Marine Protected Area, except on the authority of a scientific research permit issued by the Minister.

- (2) Application for a scientific research permit in terms of sub-regulation (1) must be made to the Minister in accordance with the provisions of section 83 of the Marine Living Resources Act or any regulations published under the Integrated Coastal Management Act.

4. General restrictions within the Marine Protected Area

- (1) The owner, skipper or operator of a vessel shall not enter or operate a vessel in the Marine Protected Area without a valid certificate of competence and a certificate of fitness issued in respect of such vessel, and such original certificates must be available for inspection at all times.
- (2) A vessel shall not enter the Marine Protected Area unless the marking approved for that vessel in accordance with the provisions of the Merchant Shipping Act, 1951 (Act No. 57 of 1951), is displayed on the vessel at all times while the vessel is inside the Marine Protected Area.
- (3) The owner, skipper or operator of a vessel shall not enter or operate a vessel in the Marine Protected Area unless such vessel and any other equipment or contents of such vessel, comply with the safety and other requirements specified in the Merchant Shipping Act, 1951 (Act No. 57 of 1951) for such vessel.

5. Use of vessels

- (1) No person may moor or anchor any vessel in the Marine Protected Area except—
 - (a) under conditions of *force majeure*; or
 - (b) for the use of a vessel by an employee of the Department or any other organ of state acting in the course and scope of their employment or mandate.
- (2) Despite sub-regulation (1), the Minister may on application and on such conditions as he or she may deem appropriate, authorise the anchoring or mooring of a vessel in the following circumstances—
 - (a) in an emergency; or
 - (b) where the Minister may deem it to be necessary in order to ensure the proper management of the Marine Protected Area.

- (2) The Minister may verbally authorise a vessel to moor or anchor within the Marine Protected Area as contemplated in sub-regulation (2), which verbal authorisation must be confirmed in writing within 3 working days.

6. Restriction of activities

No person may undertake any activity listed in section 48A(1) of the Act in the Marine Protected Area, unless authorised in terms of these regulations.

7. Control of activities in the Marine Protected Area

- (1) No person shall fish, or attempt to fish, in the Marine Protected Area.
- (2) Fishing gear onboard a vessel or in possession of any person that enters or is present in the Marine Protected Area must be stowed in the following manner—
 - (a) In the case of line fishing from a vessel, all hooks, lures, and weights are disconnected from the line, all the line is reeled onto the reel or rolled up, and that rolled up line, hooks, lures, bait and weights on the vessel are placed away in the cabin, wheel house or console of the vessel;
 - (b) in the case of purse-seine fishing the boom shall be lowered as far as possible so that the vessel cannot be used for fishing but so that the skiff is accessible for use in emergency situations;
 - (c) in the case of a trawl fishing, all nets, trawl boards and weights shall be disconnected from their towing or hauling wires, ropes or rigid frames and either stowed below deck or securely lashed to some part of the superstructure of the fishing vessel;
 - (d) in the case of rock lobster fishing all traps shall be on board and tied down; and all dinghies shall be on board and securely lashed to some part of the superstructure of the fishing vessel;
 - (e) in the case of fishing with traps other than rock lobster traps, all traps shall be on board and tied down; and

- (f) in the case of longline fishing, all gear shall be covered and the cover secured.

8. Suspension, amendment and cancellation of permits

- (1) Subject to sub-regulation (2) and (3), a permit issued under these regulations may be suspended, cancelled or amended at any time.
- (2) A permit issued in terms of these regulations may be suspended, cancelled or amended, if—
 - (a) the Minister is satisfied on the basis of information that was not considered when the permit was issued, that it is necessary or desirable to suspend, cancel or amend the permit to prevent deterioration or further deterioration of the environment within the Marine Protected Area;
 - (b) other similar permits held by other persons have also been reviewed and the suspension, cancellation or amendment does not unfairly discriminate against the holder in relation to other holders of similar permits;
 - (c) the permit holder is in breach of a condition contained in the permit;
 - (d) the permit holder provided incorrect or false information in the application for the permit;
 - (e) the holder of a permit has been convicted of an offence in terms of the Act, the National Environmental Management Act or a specific environmental management act or any regulations issued thereunder; or
 - (f) the reason for the issuing of the permit no longer exists.
- (3) A permit issued in terms of these regulations may be amended—
 - (a) if an error needs to be corrected or rectified;
 - (b) at the request of the applicant;
 - (c) for the proper management and implementation of these regulations; or
 - (d) where the conditions or circumstances have changed since the original permit was issued.

9. Offences and penalties

In addition to any offence in terms of section 89 of the Act, any person who contravenes or fails to comply with—

- (a) regulations 3(1), 4, 5(1), 6 or 7;
- (b) a condition mentioned in a permit issued in terms of these regulations; or
- (c) a prohibition, instruction, rule or order imposed, given or issued under these regulations;

is guilty of an offence and liable in the case of a first conviction to a fine not exceeding R5 million or to imprisonment for a period not exceeding five years and in the case of a second or subsequent conviction to a fine not exceeding R10 million or imprisonment for a period not exceeding 10 years or in both instances to both a fine and such imprisonment.

10. Short title and commencement

These regulations are called the Agulhas Front Marine Protected Area Regulations and commence upon date of publication in the *Gazette*

Annexure 1
(Zonation of Agulhas Front Marine Protected Area)

The Agulhas Front Marine Protected Area is zoned as a single Restricted Zone. The Agulhas Front Marine Protected Area is bounded by a series of straight lines sequentially joining the following four coordinates (A) 36° 28' S, 25° 5' E; (B) 36° 24' S, 25° 42.480' E; (C) 37° 27' S, 25° 50' E; and (D) 37° 32' S, 25° 10.620' E. The area includes the sea bed, water column and subsoil within these boundaries.

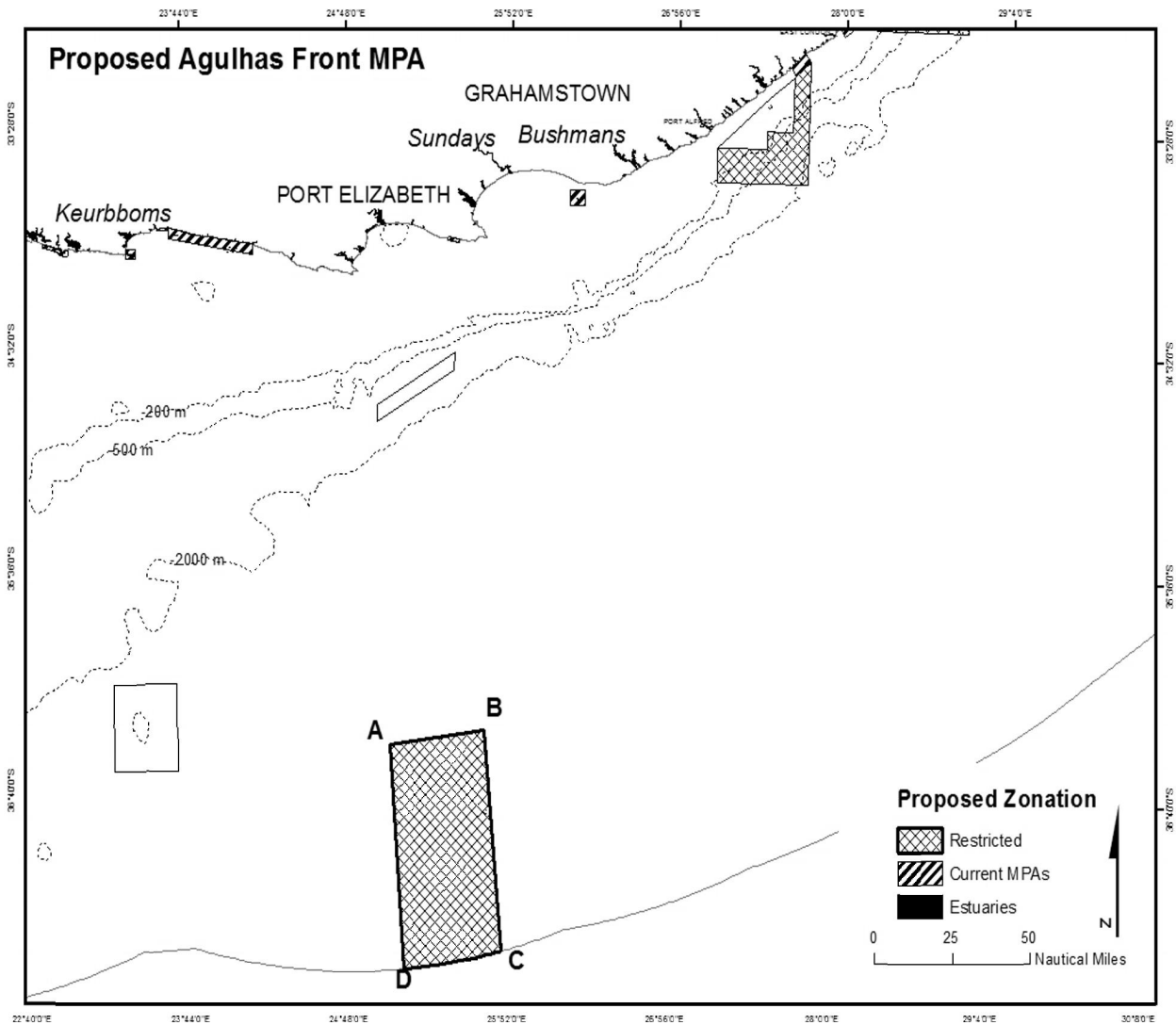


Fig. 1. The proposed zonation for the Agulhas Front Marine Protected Area.

Table 1: The table of co-ordinates for the Agulhas Front MPA

Corner name	Latitude	Longitude	Latitude South		Longitude East	
	Decimal Degrees	Decimal Degrees	Degrees	Minutes	Degrees	Minutes
A	25.083	-36.467	25	5.000	36	28.000
B	25.708	-36.400	25	42.480	36	24.000
C	25.833	-37.450	25	50.000	37	27.000
D	25.177	-37.533	25	10.620	37	32.000

DEPARTMENT OF ENVIRONMENTAL AFFAIRS

NO. R. 134

03 FEBRUARY 2016

**NATIONAL ENVIRONMENTAL MANAGEMENT: PROTECTED AREAS ACT,
2003
(ACT NO. 57 OF 2003)**

**DRAFT REGULATIONS FOR THE MANAGEMENT OF THE CAPE CANYON
MARINE PROTECTED AREA**

I, Bomo Edith Edna Molewa, Minister of Environmental Affairs, hereby publish for public comment, the draft Regulations for the Management of the Cape Canyon Marine Protected Area in terms of sections 48A(2) and 86(1)(a), (b), (c) and (d) of the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003), as set out in the Schedule hereto.

Any person who wishes to submit representations or comments in connection with the draft regulations are invited to do so within 90 days from the date of publication in the *Government Gazette* and by no later than 16h00 on the last day. Comments received after this time may not be considered. All representations and comments must be submitted in writing to the Deputy Director-General of the Department of Environmental Affairs, Branch Oceans and Coasts:

By post to: **The Deputy Director-General
Environmental Affairs
Oceans and Coasts
Attention: Xola Mkefe
P.O Box 52126
V and A Waterfront, Cape Town
8002**

By hand: **East Pier Building 2, East Pier Road, V&A
Waterfront, Cape Town**

By e-mail to: **MPARegs@environment.gov.za**
Enquiries: **Xola Mkefe 021 819 2466**



**BOMO EDITH EDNA MOLEWA
MINISTER OF ENVIRONMENTAL AFFAIRS**

Schedule

1. Definitions

In these Regulations, unless the context indicates otherwise, a word or expression that is defined in the Act bears the same meaning in these Regulations, and in addition—

“**Act**” means the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003);

“**certificate of competence**” means a certificate of competence as defined in the National Small Vessel Safety Regulations, 2007;

“**certificate of fitness**” means a certificate of fitness as defined in the National Small Vessel Safety Regulations, 2007;

“**environment**” has the meaning assigned to it in section 1 of the National Environmental Management Act;

“**fish**” means any aquatic plant or animal whether piscine or not, and any mollusc, crustacean, coral, sponge, holothurian or other echinoderm, reptile and includes their eggs, larvae and all juvenile stages, but does not include sea birds, seals or any marine mammal;

“**fishing**” or to “**fish**” means—

- (a) searching for, catching, taking or harvesting fish or an attempt to any such activity;
- (b) engaging in any other activity which can reasonably be expected to result in the locating, catching, taking or harvesting of fish;
- (c) placing, searching for or recovering any fish aggregating device or associated gear, including radio beacons;
- (d) any operation in support or in preparation of any activity described in this definition; or
- (e) the use of an aircraft in relation to any activity described in this definition;

“**hovercraft**” means a craft that floats on a cushion of air and is capable of traversing water;

“Integrated Coastal Management Act” means the National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008);

“Marine Living Resources Act” means the Marine Living Resources Act, 1998 (Act No. 18 of 1998);

“Marine Protected Area” means the Cape Canyon Offshore Marine Protected Area as declared by the Minister in terms of section 22A of the Act;

“National Small Vessel Safety Regulations” means the Merchant Shipping (National Small Vessel Safety) Regulations, 2007, published in terms of section 356 of the Merchant Shipping Act, 1951 (Act No. 57 of 1951) and promulgated in Government Notice No. R. 705 of 8 August 2007;

“operate” in respect of a vessel, includes mooring in the water, drifting in the water and ascending or descending from its mooring, the shore, launch site, a buoy or a jetty;

“personal watercraft” means a vessel that uses an inboard motor powering a water jet pump as its primary source of propulsion, and is designed to be operated by a person or persons sitting, standing, or kneeling on rather than within the confines of a hull;

“Restricted Zone” means an area within a marine protected area where no fishing may take place, but where any other activity in terms of section 48A(1) of the Act may take place if authorised in terms of these regulations as contemplated in terms of section 48A(2) of the Act;

“vessel” means a waterborne craft of any kind whether a surface craft or submarine, and whether self-propelled or not, and includes any moored floating structure that can be used as a means of transport by water and includes a personal watercraft and hovercraft; and

“WGS 84” means the World Geodetic System of 1984 (G730), which is a geographic co-ordinate system.

2. Zonation within the Marine Protected Area

The entire Cape Canyon Marine Protected Area is zoned as a single Restricted Zone which is determined by using WGS 84 as detailed in Annexure 1.

3. Scientific research permit

- (1) No person may undertake any scientific research within the Marine Protected Area, except on the authority of a scientific research permit issued by the Minister.
- (2) Application for a scientific research permit in terms of sub-regulation (1); must be made to the Minister in accordance with the provisions of section 83 of the Marine Living Resources Act or any regulations published under the Integrated Coastal Management Act.

4. General restrictions within the Marine Protected Area

- (1) The owner, skipper or operator of a vessel shall not enter or operate a vessel in the Marine Protected Area without a valid certificate of competence and a certificate of fitness issued in respect of such vessel, and such original certificates must be available for inspection at all times.
- (2) A vessel shall not enter the Marine Protected Area unless the marking approved for that vessel in accordance with the provisions of the Merchant Shipping Act, 1951 (Act No. 57 of 1951), is displayed on the vessel at all times while the vessel is inside the Marine Protected Area.
- (3) The owner, skipper or operator of a vessel shall not enter or operate a vessel in the Marine Protected Area unless such vessel and any other equipment or contents of such vessel, comply with the safety and other requirements specified in the Merchant Shipping Act, 1951 (Act No. 57 of 1951) for such vessel.

5. Use of vessels

- (1) No person may moor or anchor any vessel in the Marine Protected Area except—
 - (a) under conditions of *force majeure*; or
 - (b) for the use of a vessel by an employee of the Department or any other organ of state acting in the course and scope of their employment or mandate.

- (2) Despite sub-regulation (1), the Minister may on application and on such conditions as he or she may deem appropriate, authorise the anchoring or mooring of a vessel in the following circumstances-
- (a) in an emergency; or
 - (b) where the Minister may deem it to be necessary in order to ensure the proper management of the Marine Protected Area.
- (3) The Minister may verbally authorise a vessel to moor or anchor within the Marine Protected Area as contemplated in sub-regulation (2), which verbal authorisation must be confirmed in writing within 3 working days.

6. Restriction of activities

No person may undertake any activity listed in section 48A(1) of the Act, in the Marine Protected Area, unless authorised in terms of these regulations.

7. Control of activities in Marine Protected Area

- (1) No person shall fish, or attempt to fish, in the Marine Protected Area.
- (2) Fishing gear onboard a vessel or in possession of any person that enters or is present in the Marine Protected Area must be stowed in the following manner:
- (a) In the case of line fishing from a vessel, all hooks, lures, and weights are disconnected from the line, all the line is reeled onto the reel or rolled up, and that rolled up line, hooks, lures, bait and weights on the vessel are placed away in the cabin, wheel house or console of the vessel;
 - (b) in the case of purse-seine fishing, the boom shall be lowered as far as possible so that the vessel cannot be used for fishing but so that the skiff is accessible for use in emergency situations;

- (c) in the case of a trawl fishing, all nets, trawl boards and weights shall be disconnected from their towing or hauling wires, ropes or rigid frames and either stowed below deck or securely lashed to some part of the superstructure of the fishing vessel;
- (d) in the case of rock lobster fishing, all traps shall be on board and tied down; and all dinghies shall be on board and securely lashed to some part of the superstructure of the fishing vessel;
- (e) in the case of fishing with traps other than rock lobster traps, all traps shall be on board and tied down; and
- (f) in the case of longline fishing, all gear shall be covered and the cover secured.

8. Suspension, amendment and cancellation of permits

- (1) Subject to sub-regulations (2) and (3), a permit issued under these regulations may be suspended, cancelled or amended at any time.
- (2) A permit issued in terms of these regulations may be suspended, cancelled or amended, if—
 - (a) the Minister is satisfied on the basis of information that was not considered when the permit was issued, that it is necessary or desirable to suspend, cancel or amend the permit to prevent deterioration or further deterioration of the environment within the Marine Protected Area;
 - (b) other similar permits held by other persons have also been reviewed and the suspension, cancellation or amendment does not unfairly discriminate against the holder in relation to other holders of similar permits;
 - (c) the permit holder is in breach of a condition contained in the permit;
 - (d) the permit holder provided incorrect or false information in the application for the permit;

- (e) the holder of a permit has been convicted of an offence in terms of the Act, the National Environmental Management Act or a specific environmental management act or any regulations issued thereunder; or
 - (f) the reason for the issuing of the permit no longer exists.
- (3) A permit issued in terms of these regulations may be amended—
- (a) if an error needs to be corrected or rectified;
 - (b) at the request of the applicant;
 - (c) for the proper management and implementation of these regulations; or
 - (d) where the conditions or circumstances have changed since the original permit was issued.

9. Offences and penalties

In addition to any offence in terms of section 89 of the Act, any person who contravenes or fails to comply with—

- (a) regulations 3(1), 4, 5(1), 6 or 7;
- (b) a condition mentioned in a permit issued in terms of these regulations; or
- (c) a prohibition, instruction, rule or order imposed, given or issued under these regulations;

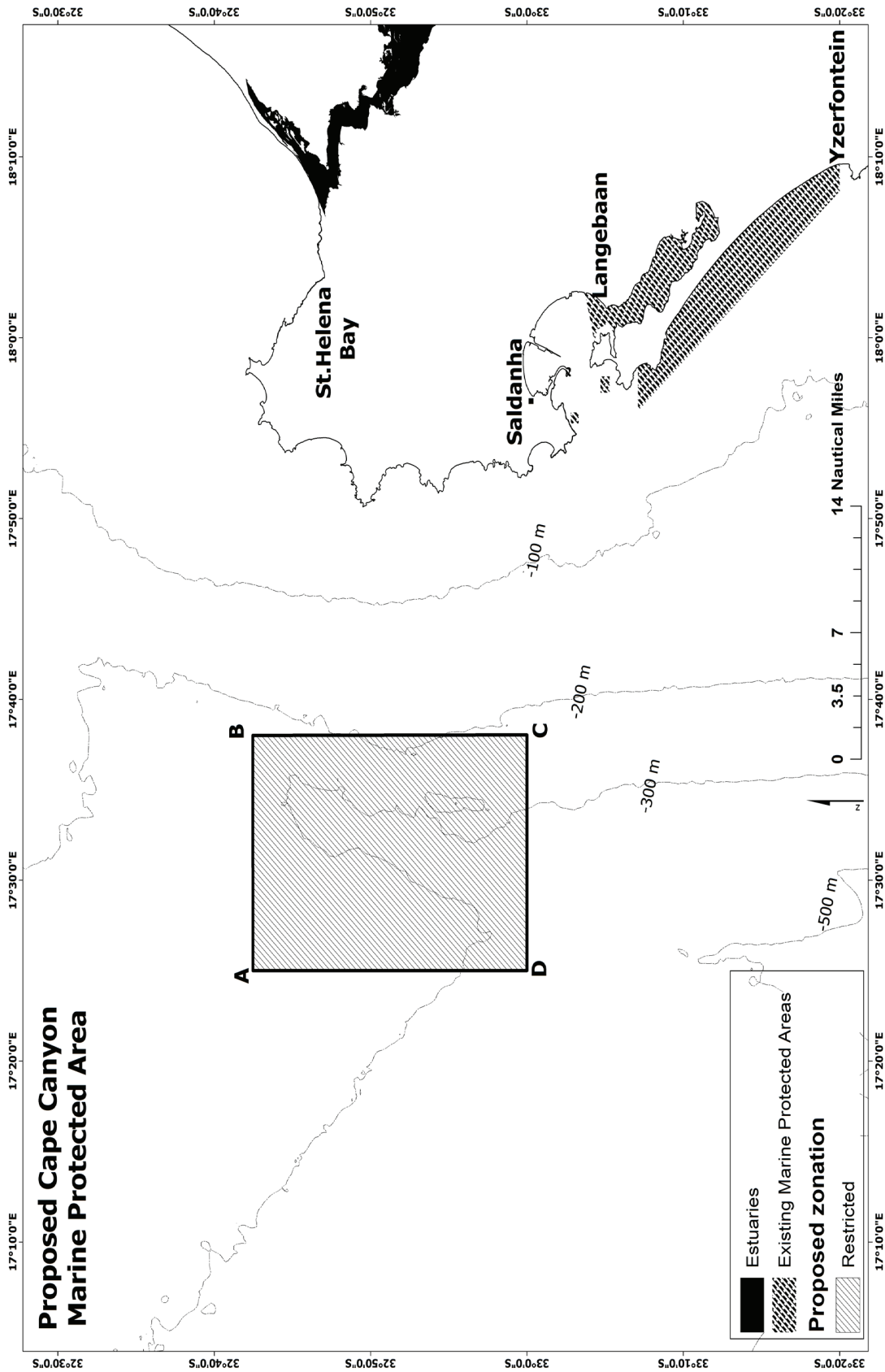
is guilty of an offence and liable in the case of a first conviction to a fine not exceeding R5 million or to imprisonment for a period not exceeding five years and in the case of a second or subsequent conviction to a fine not exceeding R10 million or imprisonment for a period not exceeding 10 years or in both instances to both a fine and such imprisonment.

10. Short title and commencement

These regulations are called the Cape Canyon Marine Protected Area Regulations and commence upon date of publication in the *Gazette*.

Annexure 1
(Zonation of Cape Canyon Marine Protected Area)

The Cape Canyon Marine Protected Area is zoned as a single Restricted Zone. The Cape Canyon Marine Protected Area is bounded by a series of straight lines sequentially joining the following four coordinates (A) 32° 42.480' S, 17° 25' E; (B) 32° 42.480' S, 17° 38' E; (C) 33° 0' S, 17° 38' E; (D) 33° 0' S, 17° 25' E. The area includes the sea bed, water column and subsoil within these boundaries.



DEPARTMENT OF ENVIRONMENTAL AFFAIRS

NO. R. 135

03 FEBRUARY 2016

**NATIONAL ENVIRONMENTAL MANAGEMENT: PROTECTED AREAS ACT, 2003
(ACT NO. 57 OF 2003)****DRAFT NOTICE DECLARING THE CAPE CANYON MARINE PROTECTED AREA
UNDER SECTION 22A OF THE NATIONAL ENVIRONMENTAL MANAGEMENT:
PROTECTED AREAS ACT, 2003 (ACT NO. 57 OF 2003)**

I, Bomo Edith Edna Molewa, Minister of Environmental Affairs, hereby publish for public comment, the intention to declare under section 22A of the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003), the Cape Canyon Marine Protected Area as set out in the Schedule hereto.

Any person who wishes to submit representations or comments in connection with the proposed declaration is invited to do so within 90 days from the date of publication in the *Government Gazette* and by no later than 16h00 on the last day. Comments received after this time may not be considered. All representations and comments must be submitted in writing to the Deputy Director-General of the Department of Environmental Affairs, Branch Oceans and Coasts:

By post to: **The Deputy Director-General
Environmental Affairs
Oceans and Coasts
Attention: Xola Mkefe
P.O Box 52126
V and A Waterfront, Cape Town
8002**

By hand: **East Pier Building 2, East Pier Road, V&A
Waterfront, Cape Town**

By e-mail to: **MPARegs@environment.gov.za**
Enquiries: **Xola Mkefe 021 819 2466**



**BOMO EDITH EDNA MOLEWA
MINISTER OF ENVIRONMENTAL AFFAIRS**

SCHEDULE

All geographic co-ordinates are determined in accordance with the *WGS 84* datum, and all bearings are true bearings as set out in Annexure 1 hereto.

Boundaries of the Marine Protected Area

The Cape Canyon Marine Protected Area in the Western Cape is an offshore marine protected area within the 200m to 400m depth range lying approximately 12 nautical miles southwest of Saldanha. The Cape Canyon Marine Protected Area is bounded by a series of straight lines sequentially joining the following four coordinates: (A) 32° 42.480' S, 17° 25' E; (B) 32° 42.480' S, 17° 38' E; (C) 33° 0' S, 17° 38' E; (D); and 33° 0' S, 17° 25' E. The area includes the sea bed, water column and subsoil within these boundaries.

Purpose

The purpose for declaring this Marine Protected Area is:

- (a) To contribute to a national and global representative system of marine protected areas by providing protection to the offshore benthic and pelagic ecosystems of this region;
- (b) to conserve and protect a submarine canyon ecosystem and other deep rocky habitats in the Benguela region;
- (c) to conserve and protect threatened ecosystems;
- (d) to conserve and protect the biodiversity and ecological processes associated with these ecosystems;
- (e) to facilitate species management by protecting a feeding area for marine mammals and seabirds;
- (f) to protect and regulate a scenic area which contributes to eco-tourism; and
- (g) to protect and provide an appropriate environment for research and monitoring particularly research on ecosystem impacts and recovery, ecological function and marine mammals.

Annexure 1:

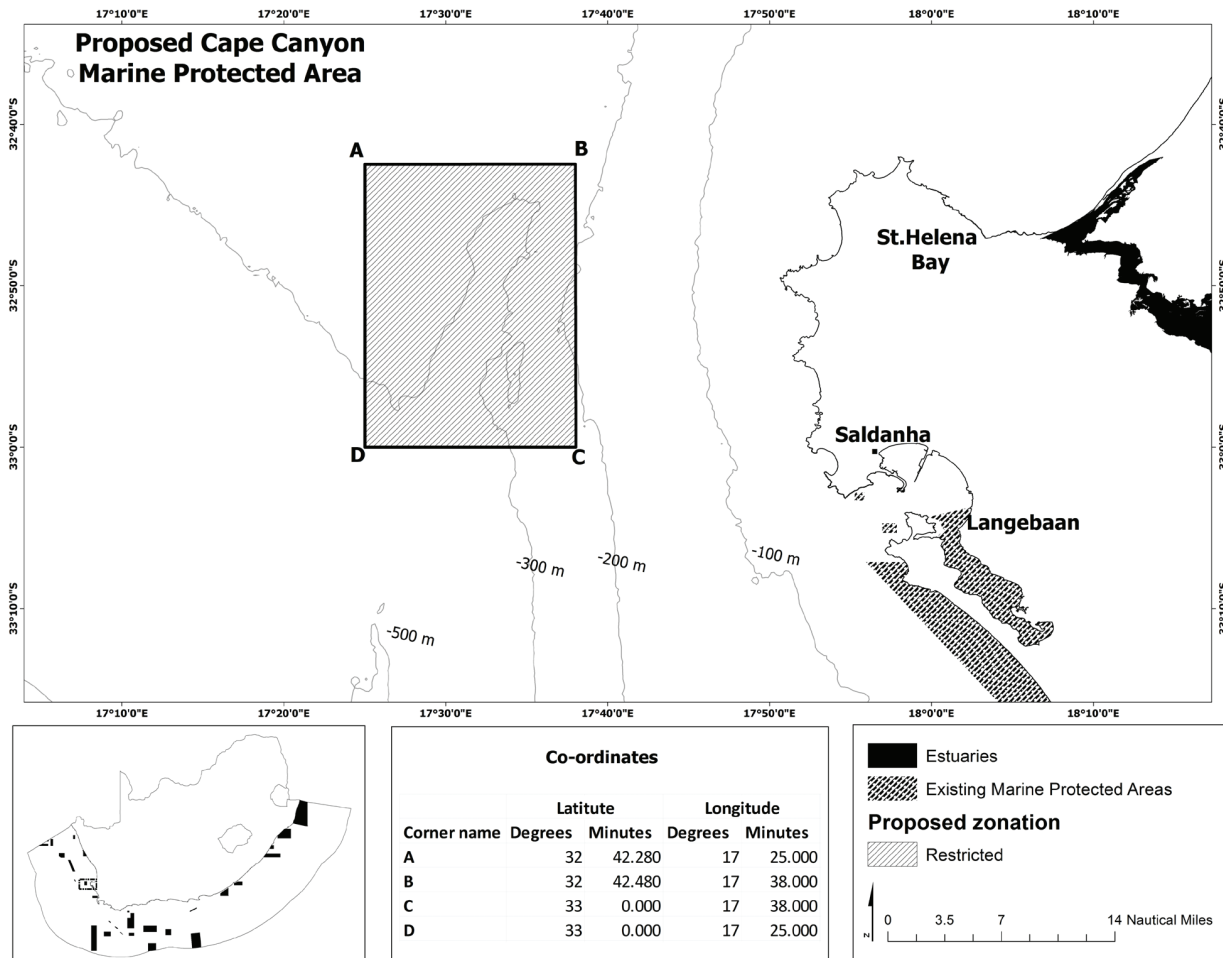


Fig. 1. The proposed boundaries for the Cape Canyon Marine Protected Area.

Table 1. The exact geographic coordinates (WGS 84) of points A-D in Fig 1.

Corner name	X (East) Decimal Degree s	Y (South) Decimal Degrees	X (East) Degrees	X (East) Minutes	Y (South) Degrees	Y (South) Minutes
A	17.4167	-32.7080	17	25.000	32	42.480
B	17.6333	-32.7080	17	38.000	32	42.480
C	17.6333	-33.0000	17	38.000	33	0.000
D	17.4167	-33.0000	17	25.000	33	0.000

Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001
Contact Centre Tel: 012-748 6200. eMail: info.egazette@gpw.gov.za
Publications: Tel: (012) 748 6053, 748 6061, 748 6065