

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.

Annexure 1:

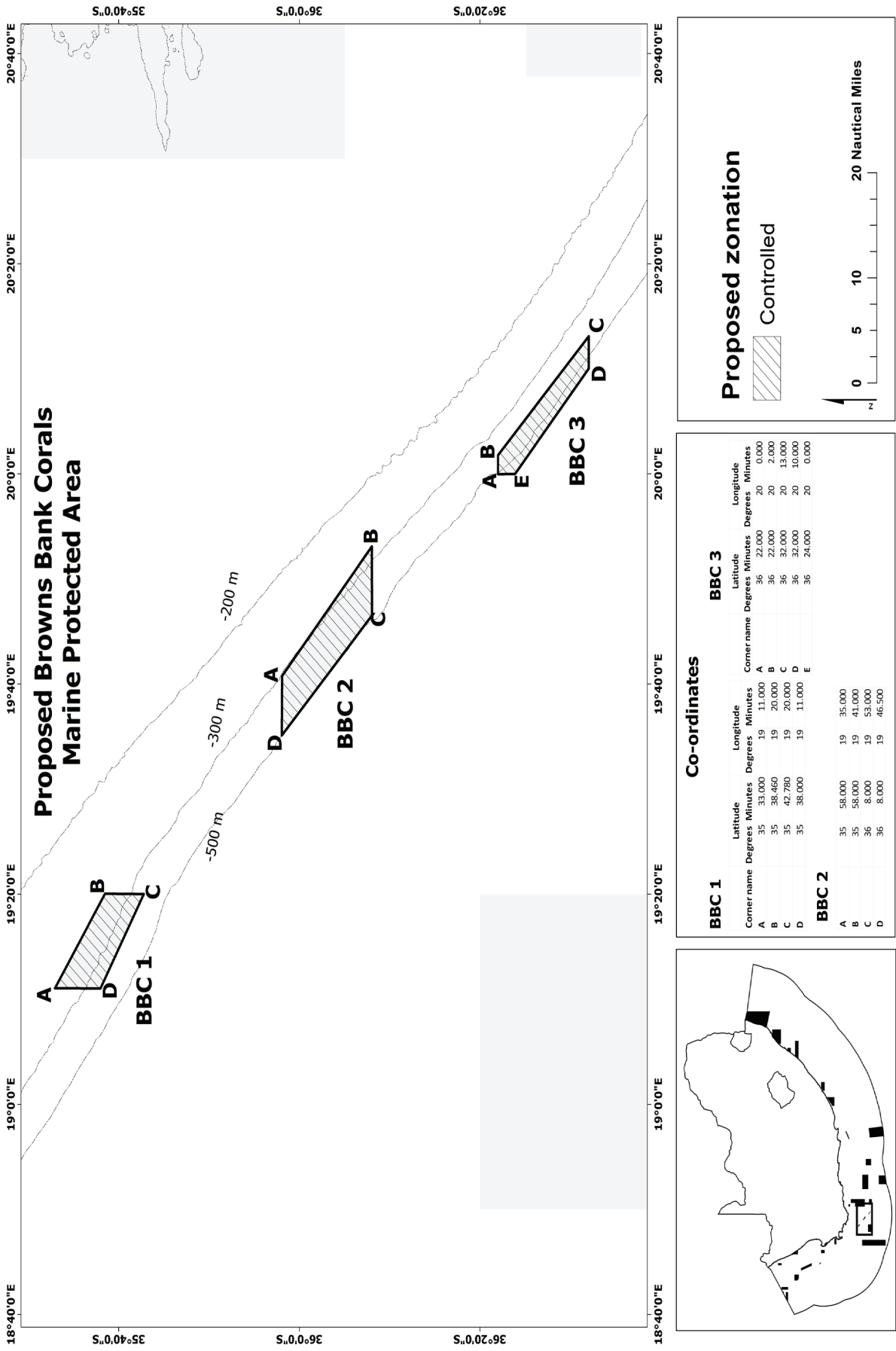


Fig. 1. The proposed boundaries for the Browns Bank Corals Marine Protected Area.

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

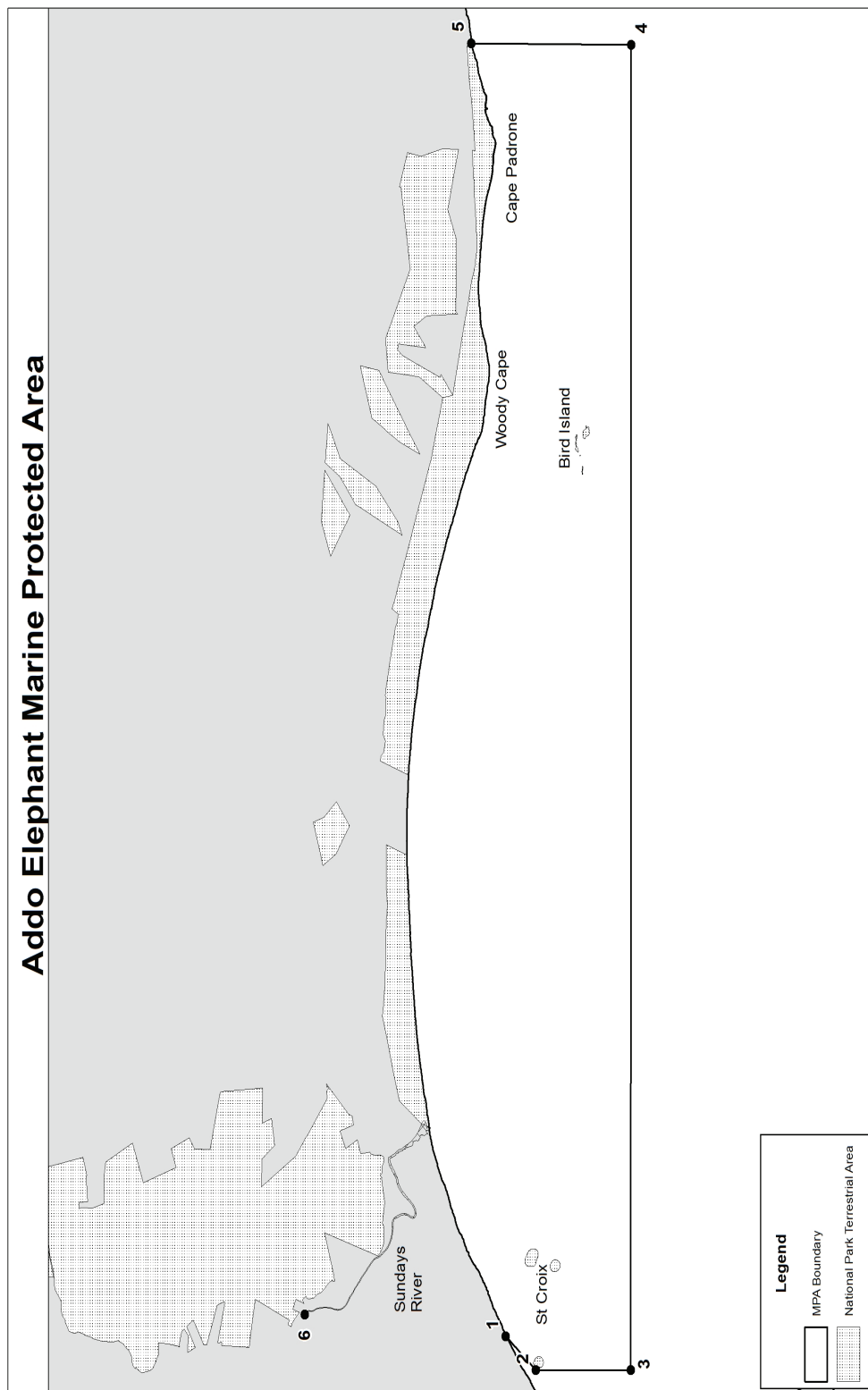


Table 1. The exact geographic coordinates (WGS 84) of points 1, 2, 3, 4, 5 and 6 in Fig 1.

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:

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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.

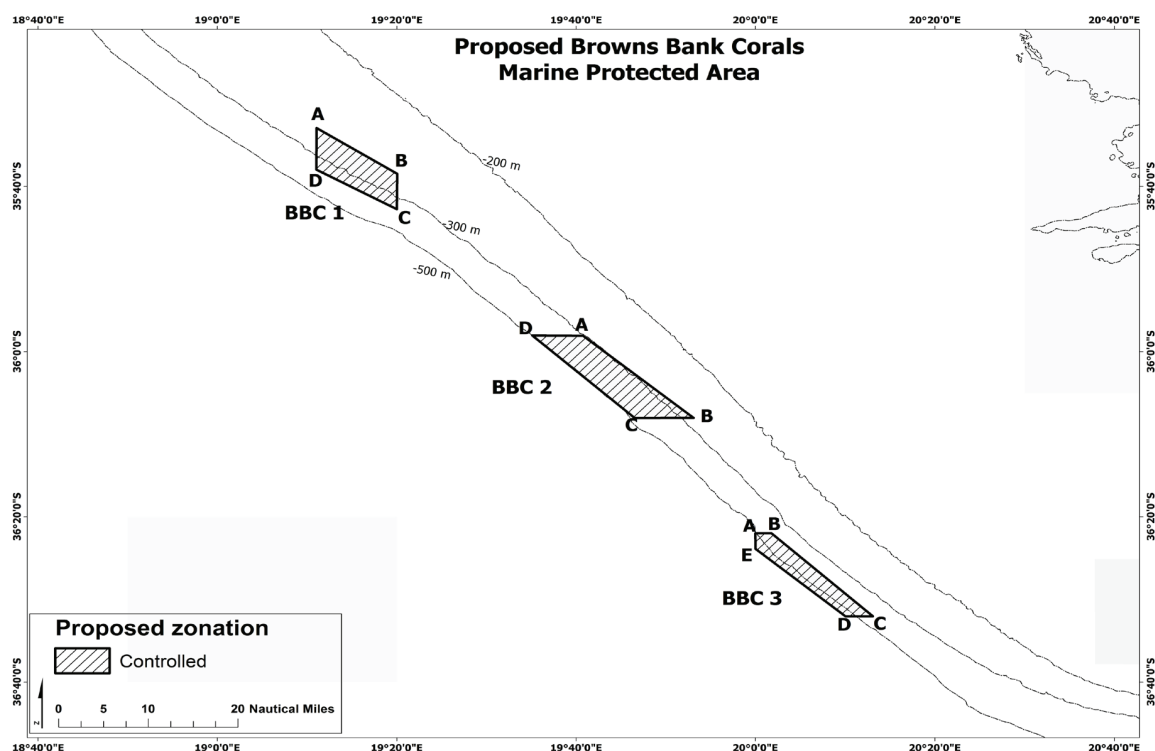


Fig. 1. The proposed zonation for the Browns Bank Corals Marine Protected Area

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.

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**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

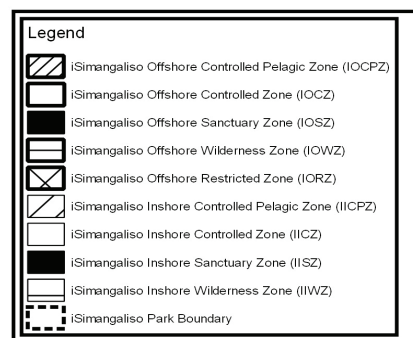
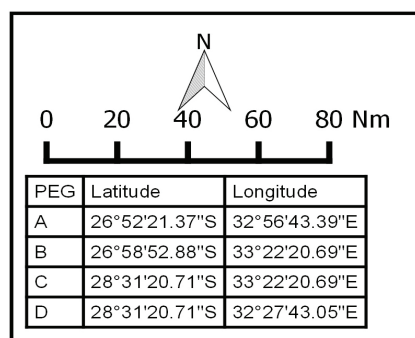
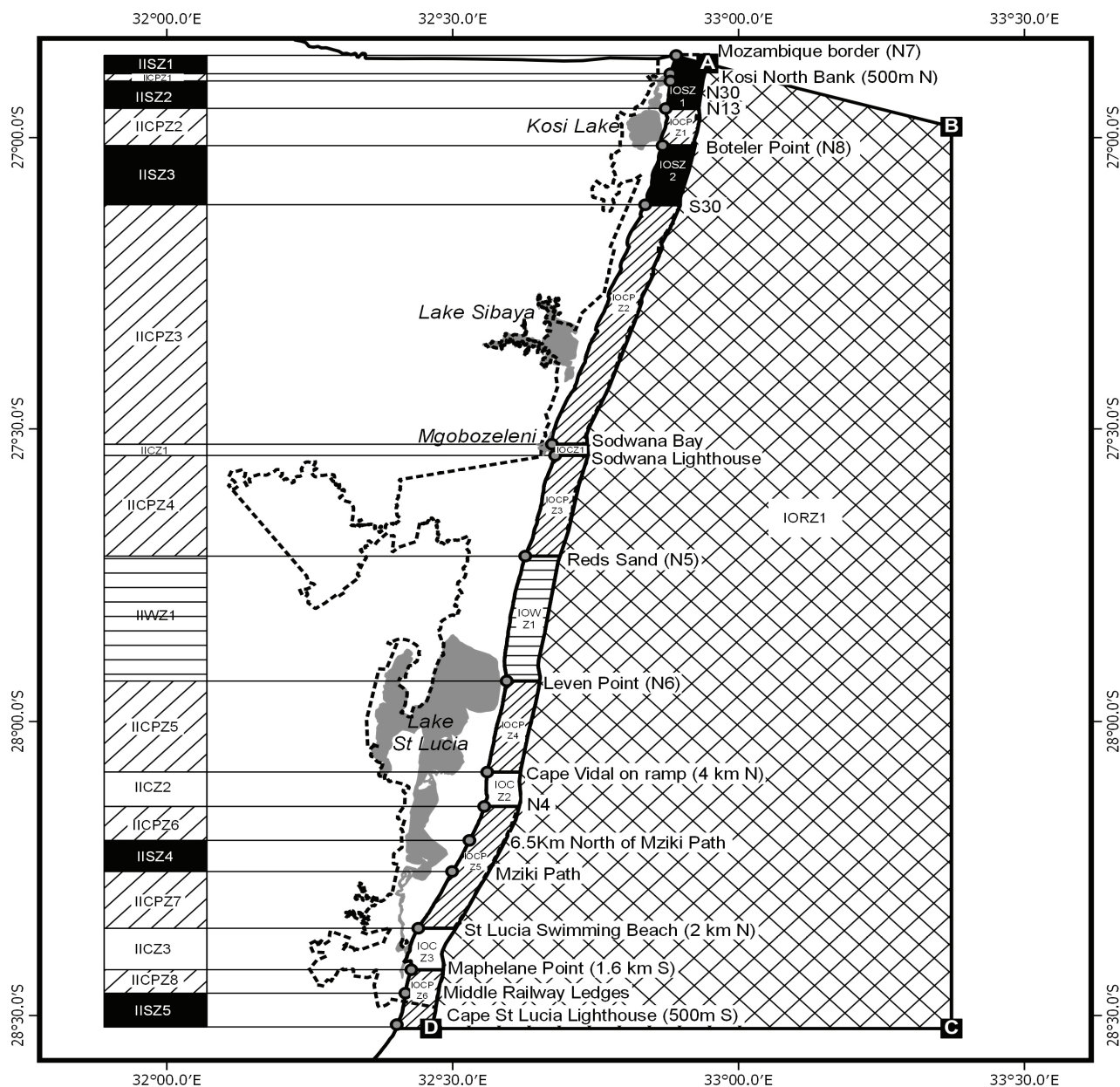


Fig. 1. The proposed zonation of the iSimangaliso Marine Protected Area (MPA)

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

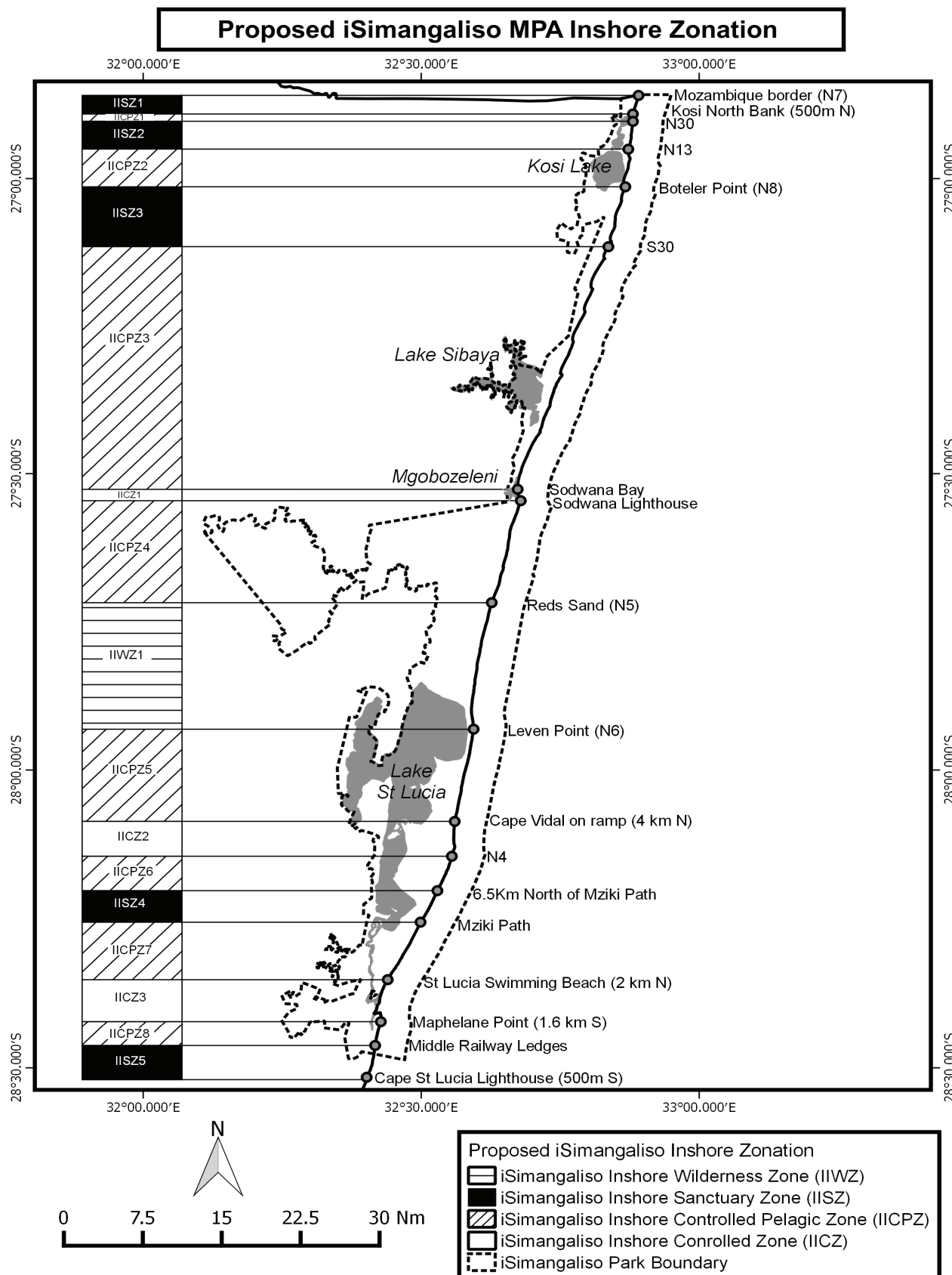


Fig. 2. The proposed inshore zonation of the iSimangaliso Marine Protected Area

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 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).

Proposed iSimangaliso MPA (North)

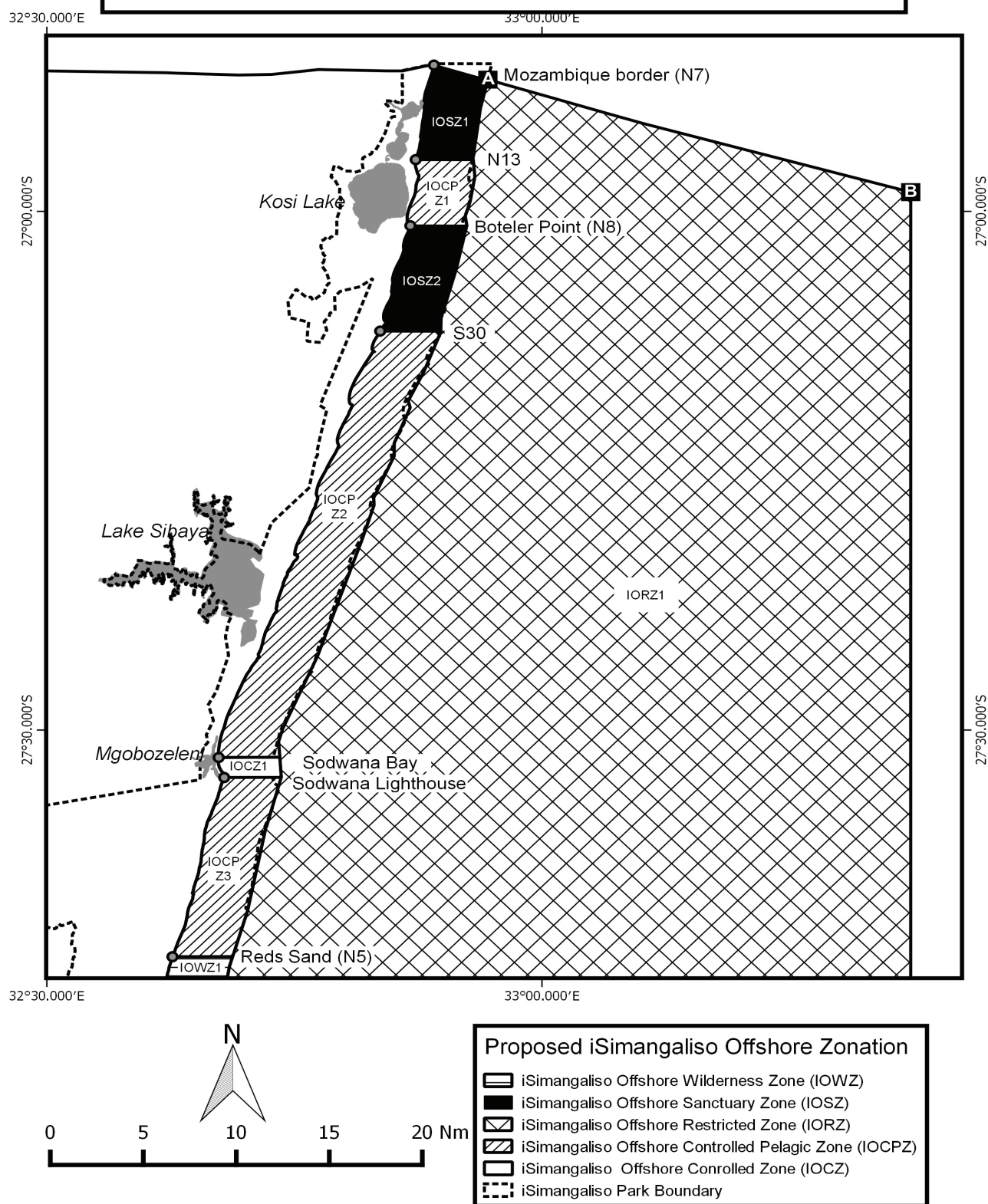


Fig. 3. The proposed offshore zonation of the iSimangaliso Marine Protected Area (North)

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)

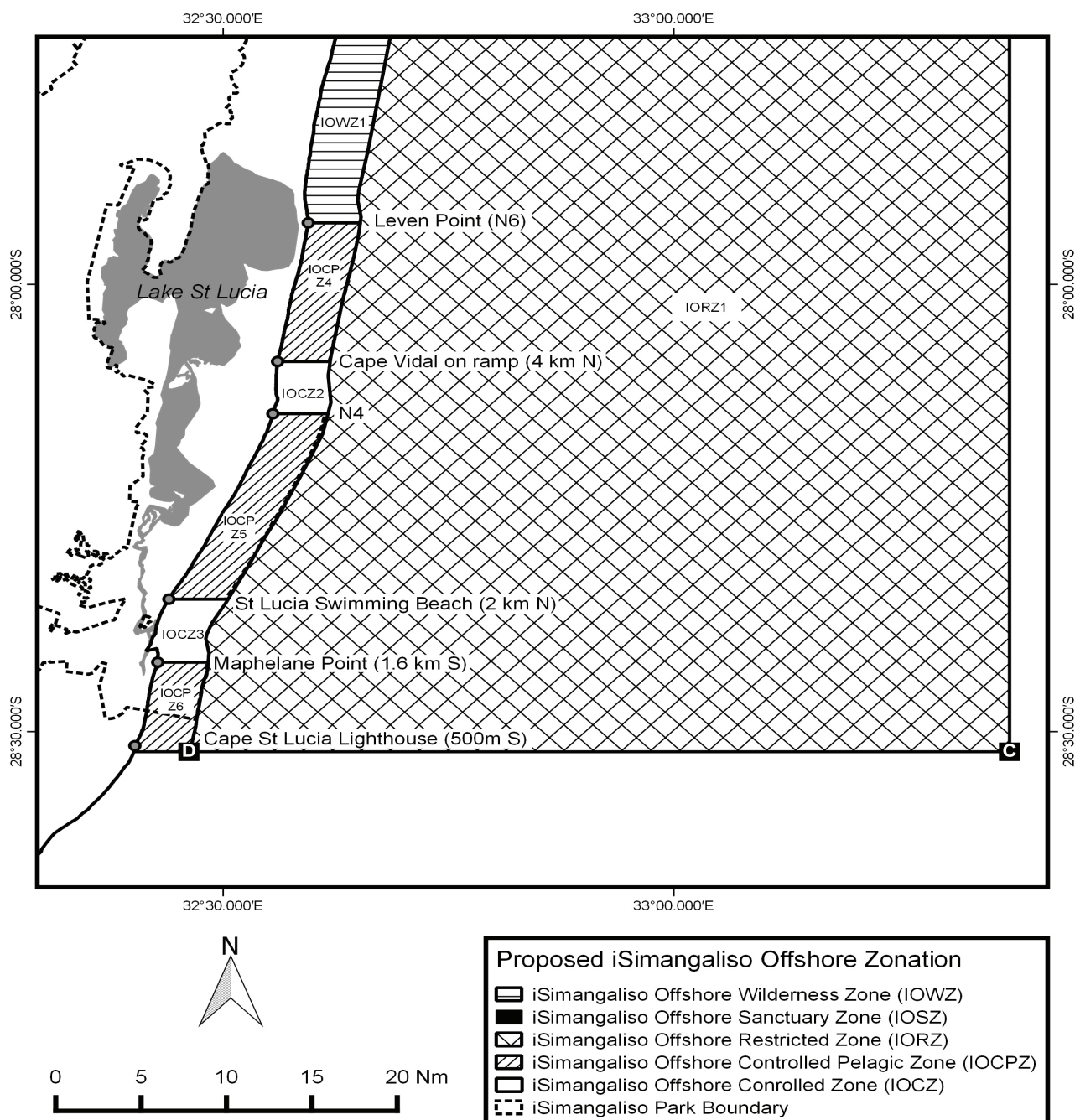


Fig. 4. The proposed offshore zonation of the iSimangaliso Marine Protected Area (South)

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

Sphyrnidae – Barracudas

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

Atherinidae – silversides

Belontiidae – 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 ROBBER
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;

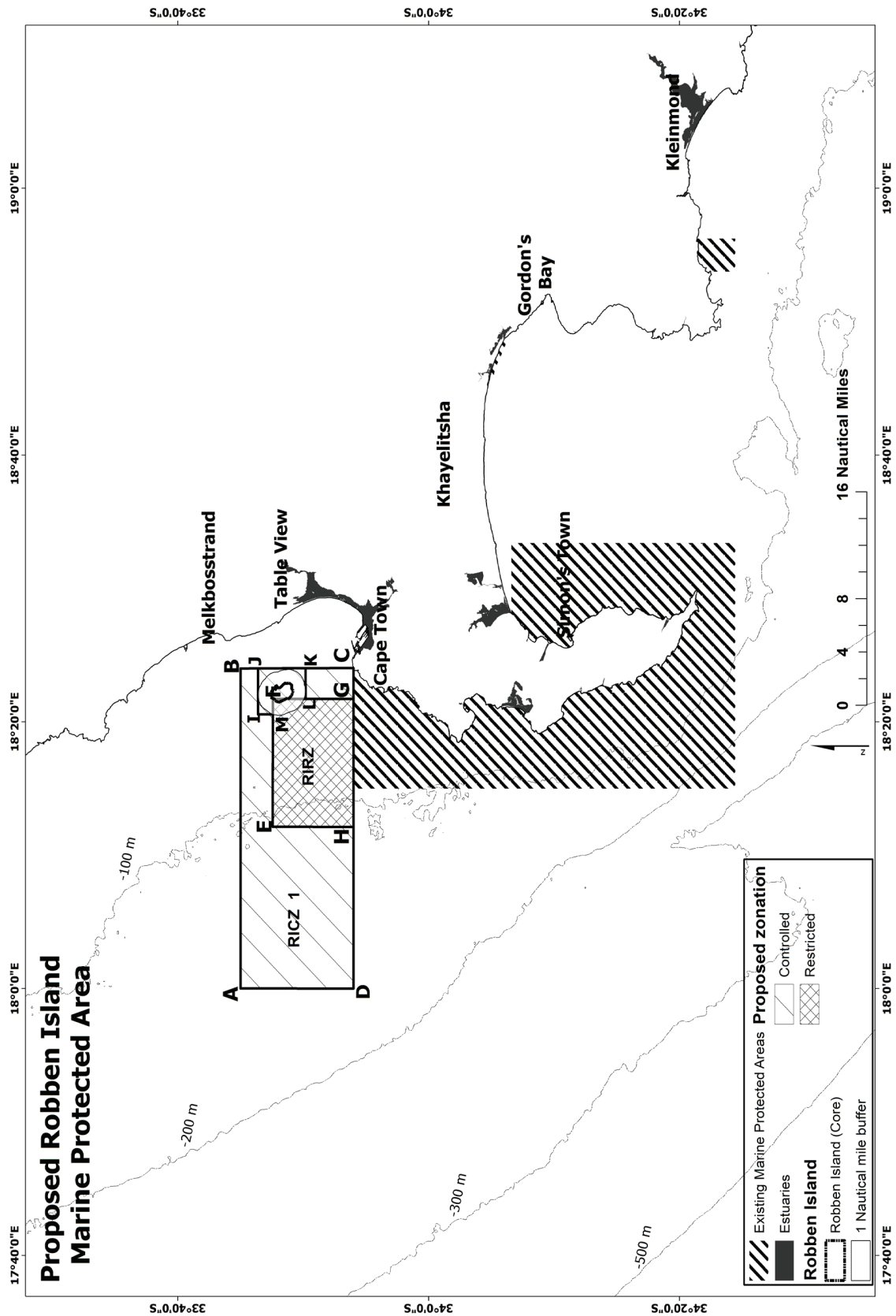
is guilty of an offence and liable in the case of a first conviction to a fine not exceeding R5 million or to imprisonment for a period not exceeding five years and in the case of a second or subsequent conviction to a fine not exceeding R10 million or imprisonment for a period not exceeding 10 years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

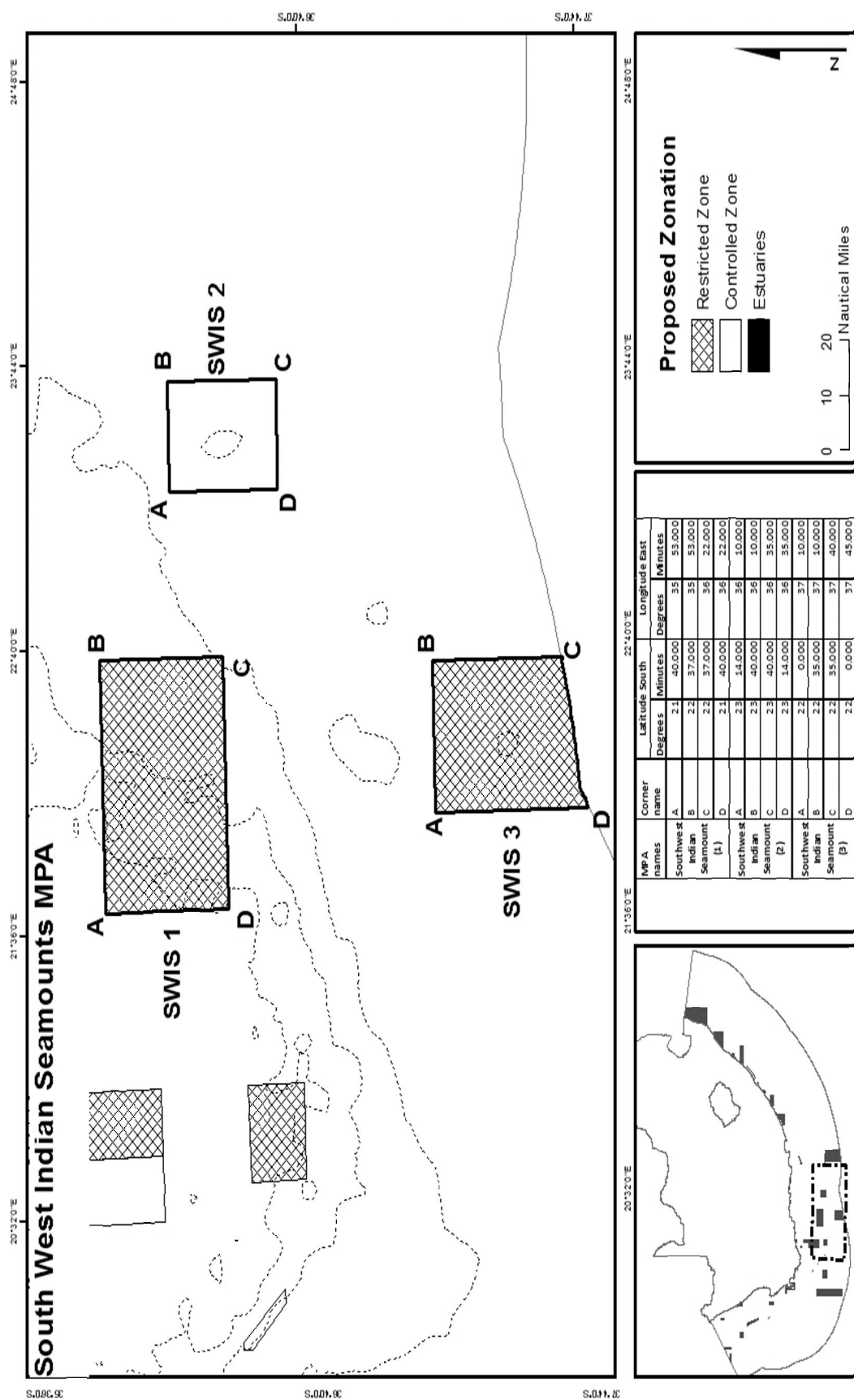


Fig. 1. The proposed boundaries for the Southwest Indian Seamount Marine Protected Area

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.

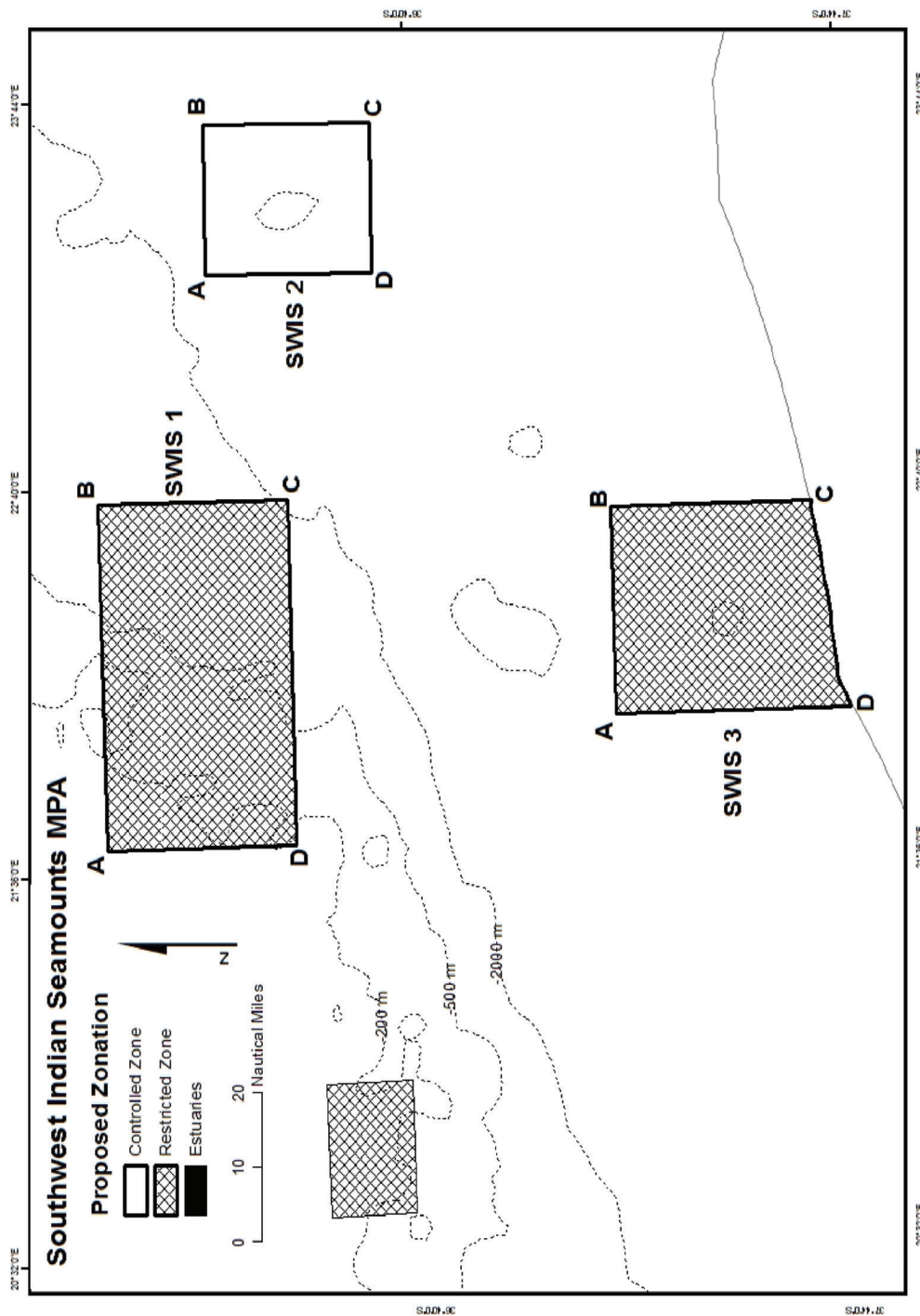


Fig 1. The proposed zonation for the Southwest Indian Seamount Marine Protected Area

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:

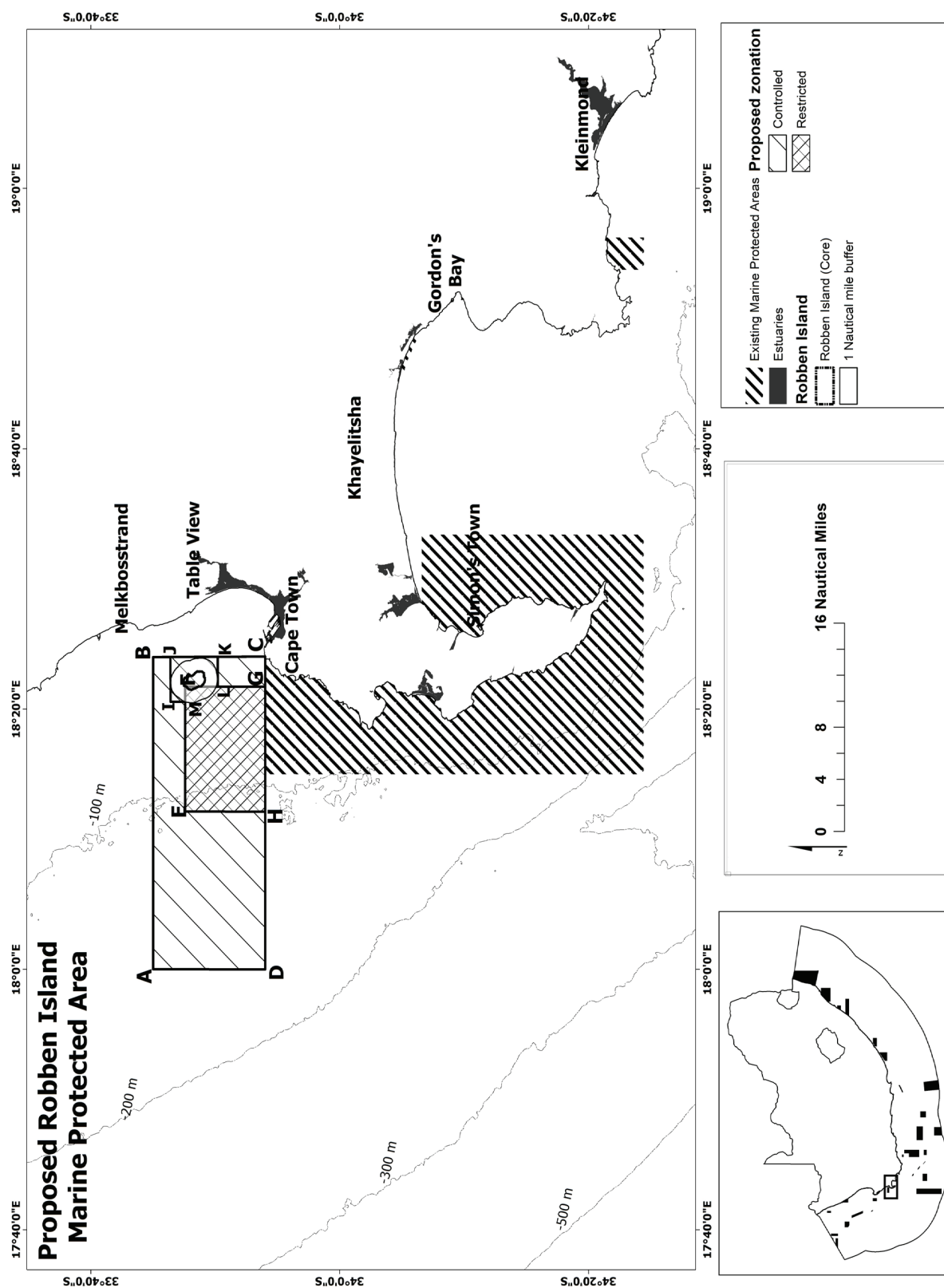


Fig. 1. The proposed boundaries for the Robben Island Marine Protected Area.

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:

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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
3 Februarie 2016

No. 39646

PART 3 OF 3

N.B. The Government Printing Works will
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"Hard Copies" or "Electronic Files"
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ISSN 1682-5843



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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.

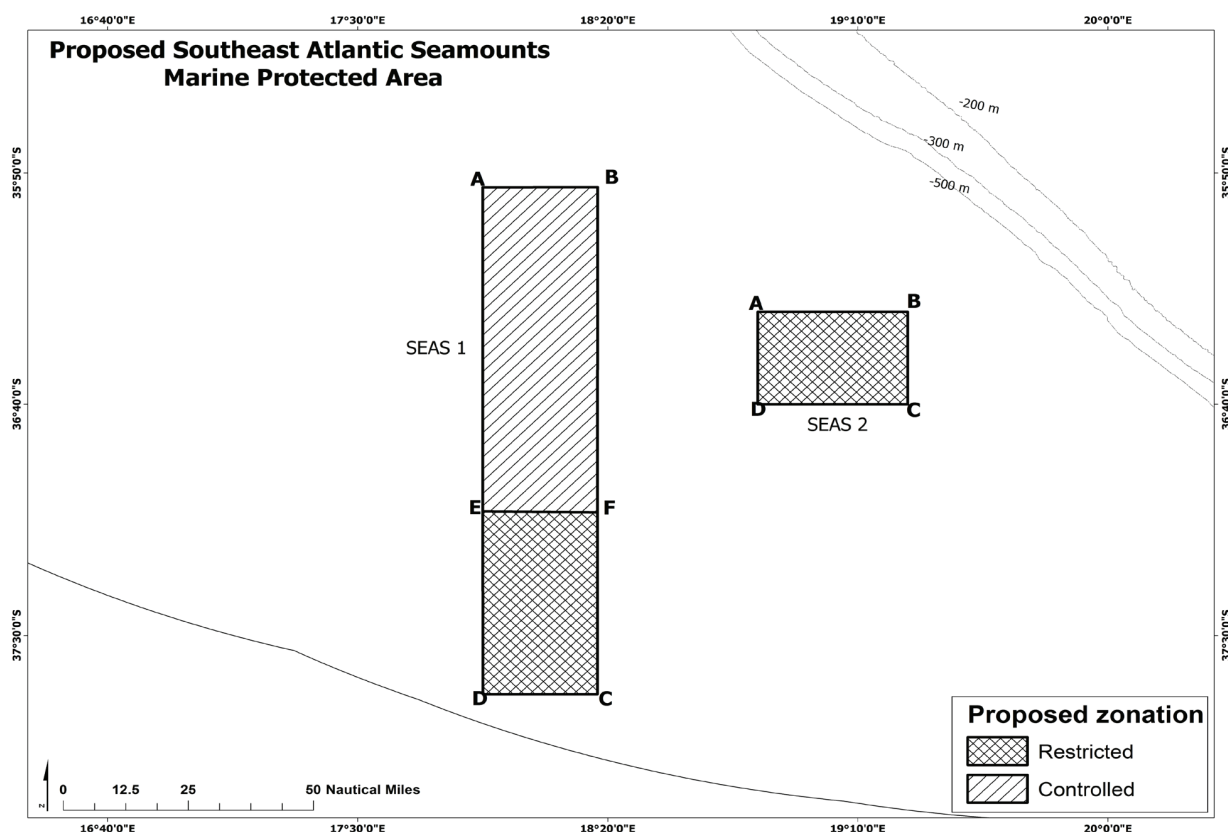


Fig. 1. The proposed zonation for the Southeast Atlantic Seamount Marine Protected Area.

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:

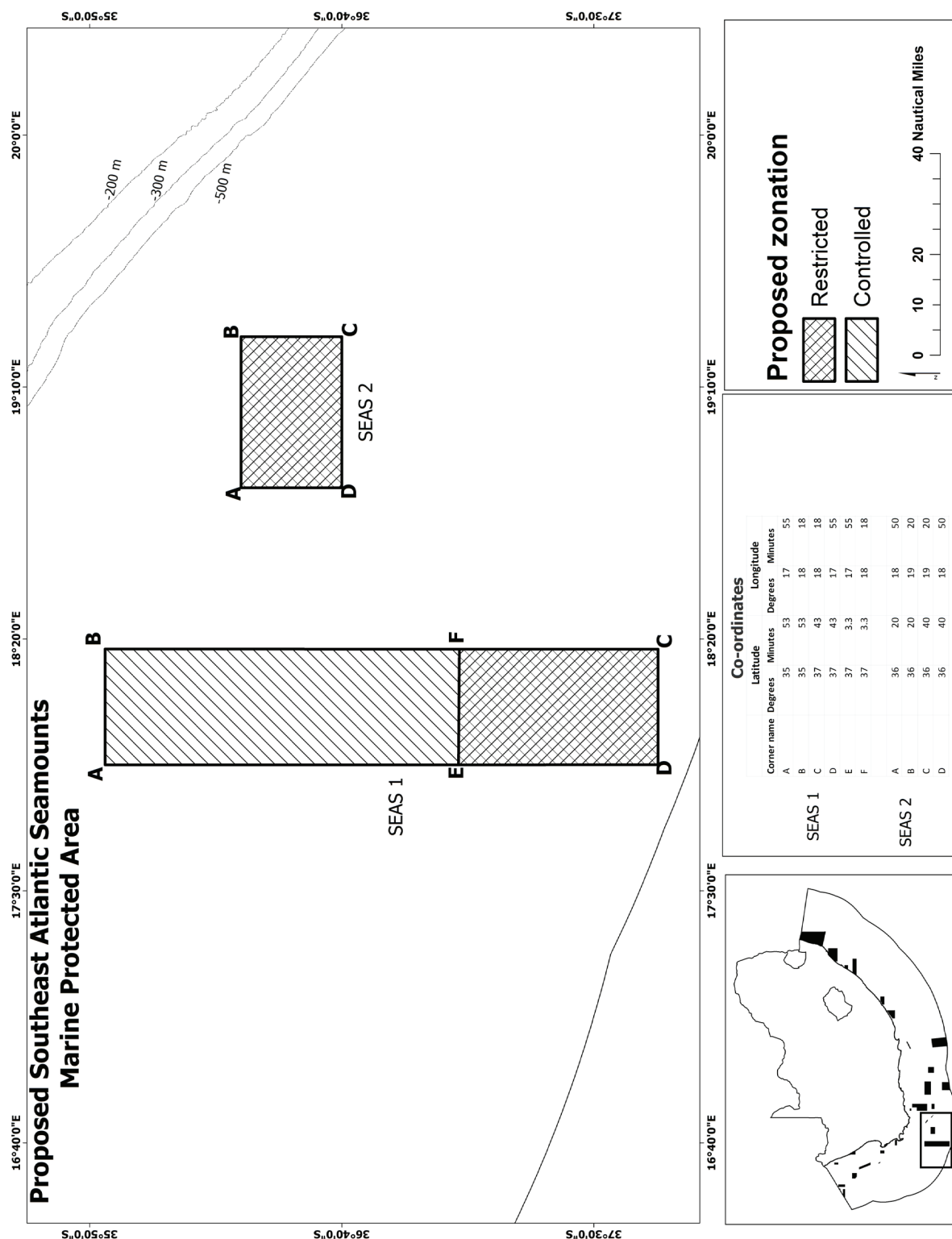


Fig. 1. The proposed boundaries for the Southeast Atlantic Seamount Marine Protected Area

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.

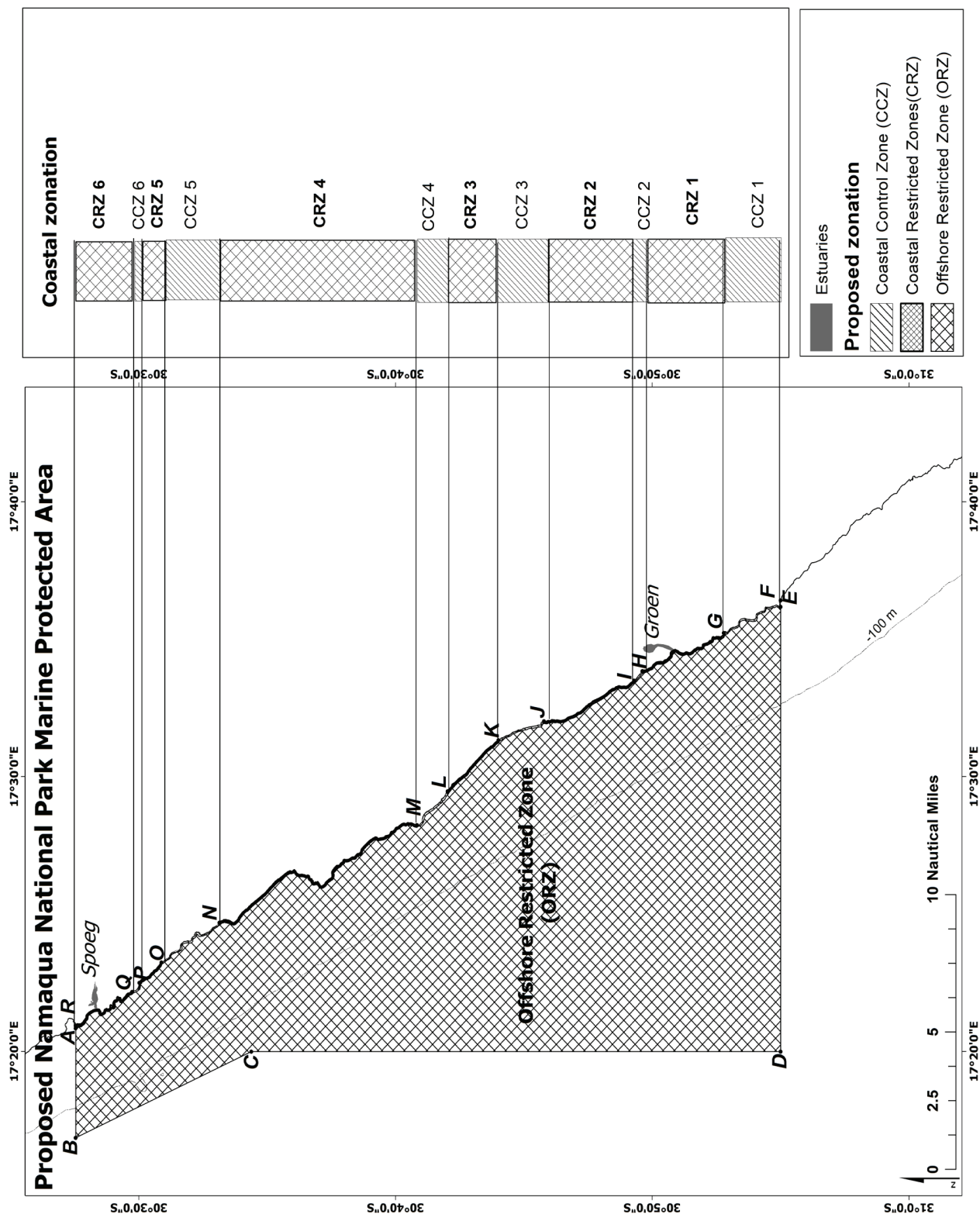
(2) Namaqua National Park Coastal Restricted Zones (NNPCRZ):

- (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:

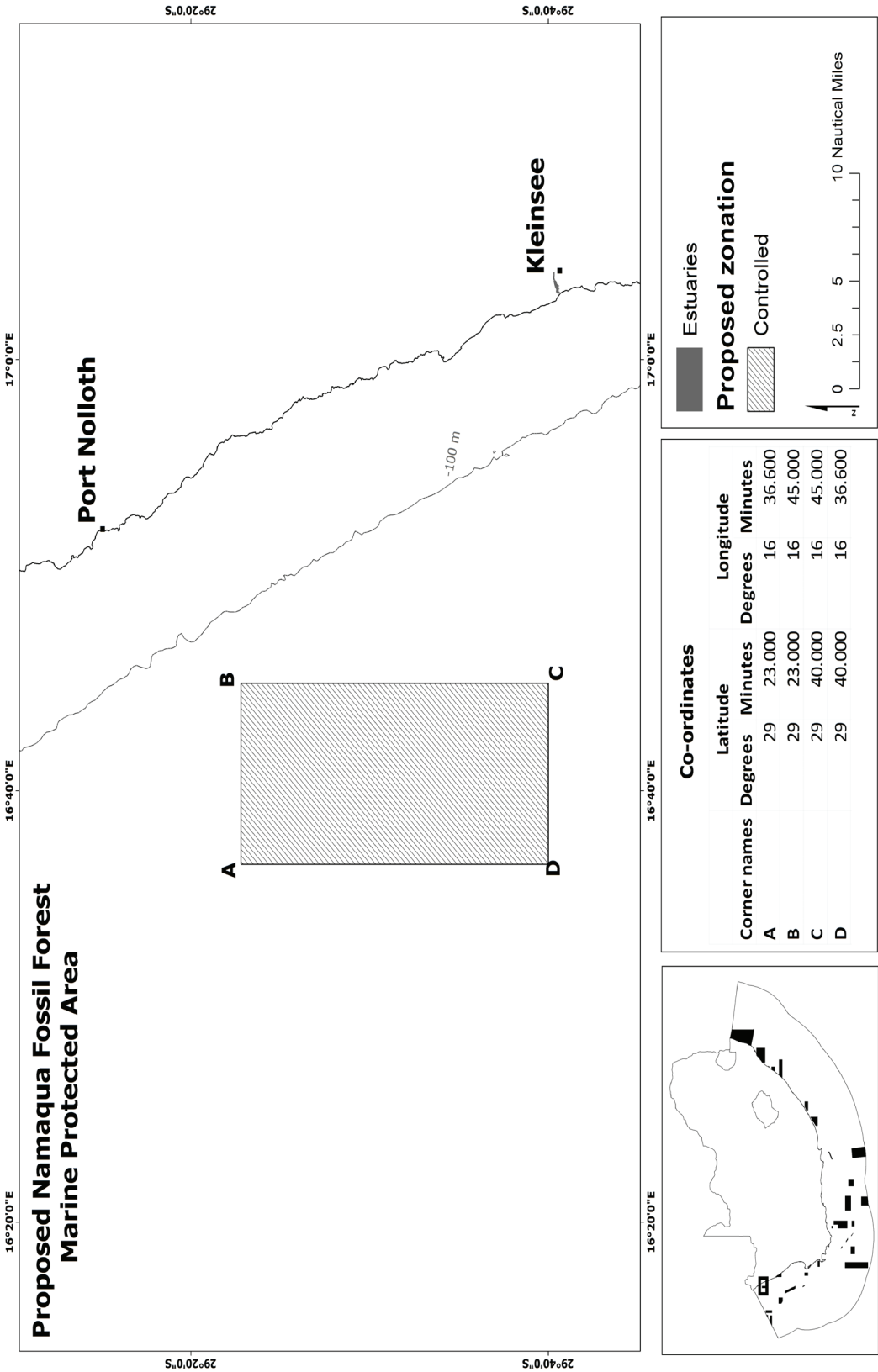


Fig. 1. The proposed boundaries for the Namaqua Fossil Forest Marine Protected Area

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:

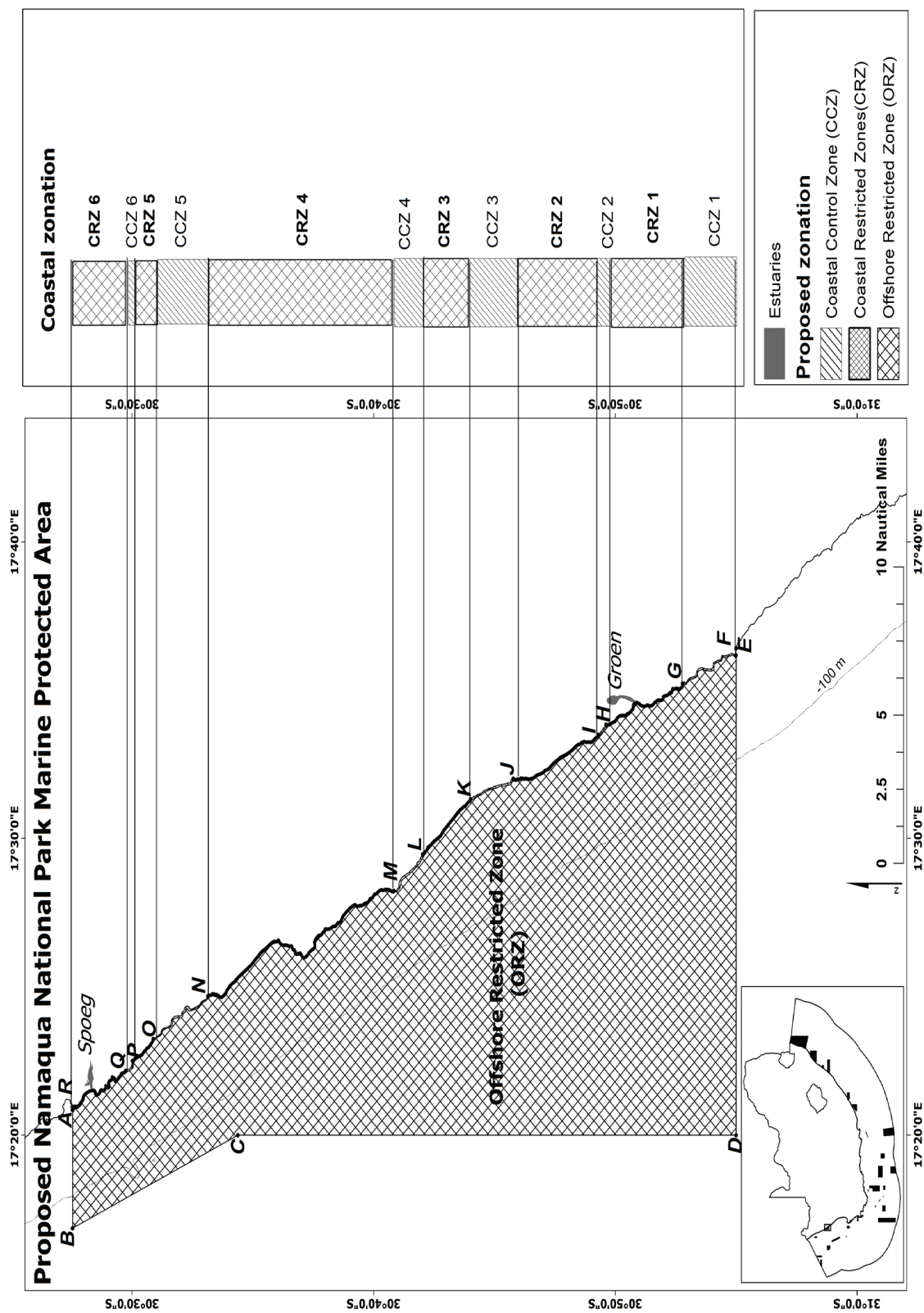


Fig. 1. The proposed boundaries for the Namaqua National Park Marine Protected Area.

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		
H	30	49.6188	17	33.8454	CRZ 2	CCZ 2
I	30	49.2918	17	33.5016		
J	30	45.7830	17	32.0178	CRZ 3	CCZ 3
K	30	44.0058	17	31.3314		
L	30	42.0300	17	29.4672	CRZ 4	CCZ 4
M	30	40.8342	17	28.2378		
N	30	33.1404	17	24.6900	CRZ 5	CCZ 5
O	30	30.8784	17	23.2404		
P	30	30.0210	17	22.5036	CRZ 6	CCZ 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
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Oceans and Coasts
Attention: Xola Mkefe
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V and A Waterfront, Cape Town
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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:

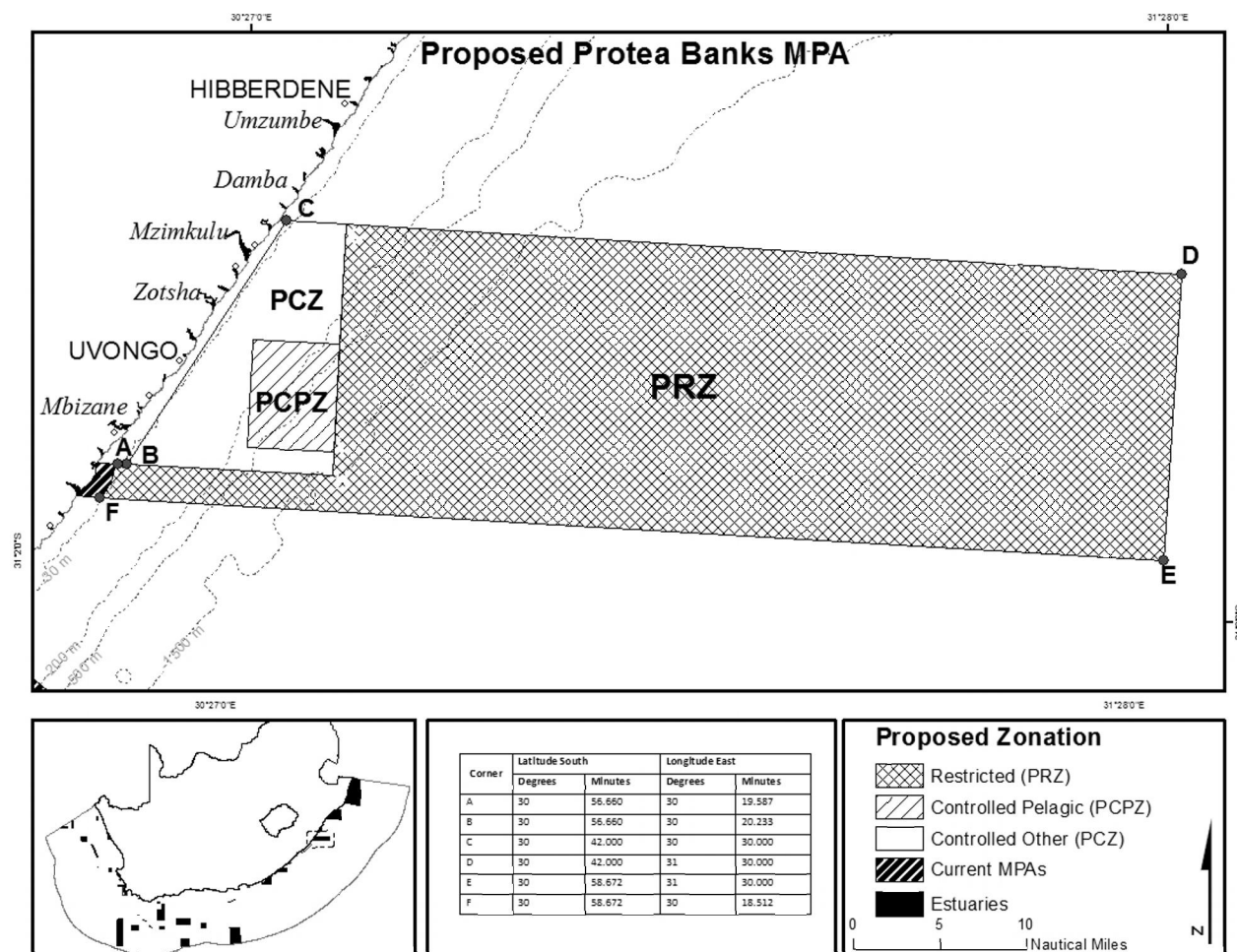


Fig. 1. The proposed boundaries for the Protea Banks Marine Protected Area.

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) Degree s	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:

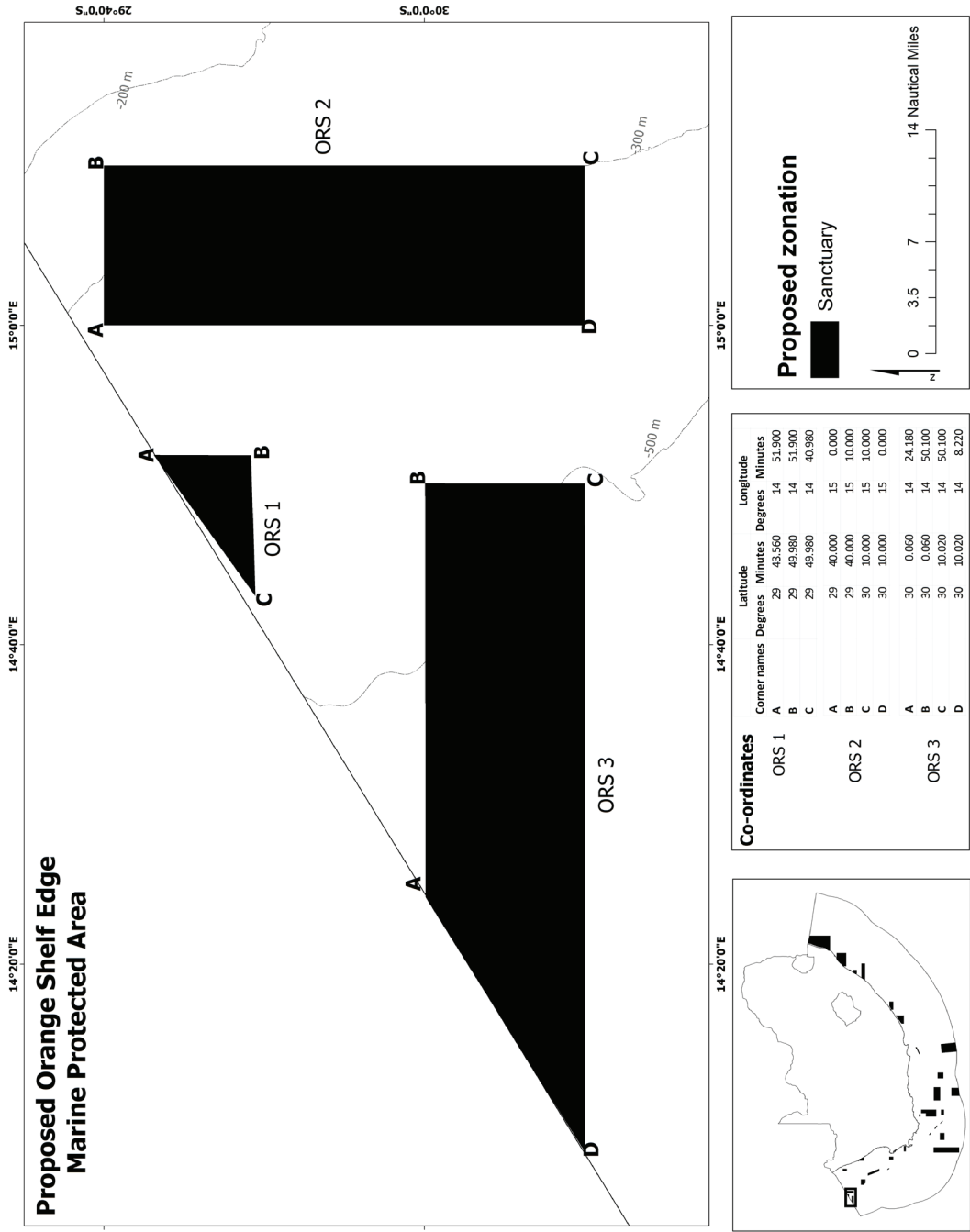


Fig. 1. The proposed boundaries for the Orange Shelf Edge Marine Protected Area

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:

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Attention: Xola Mkefe
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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.

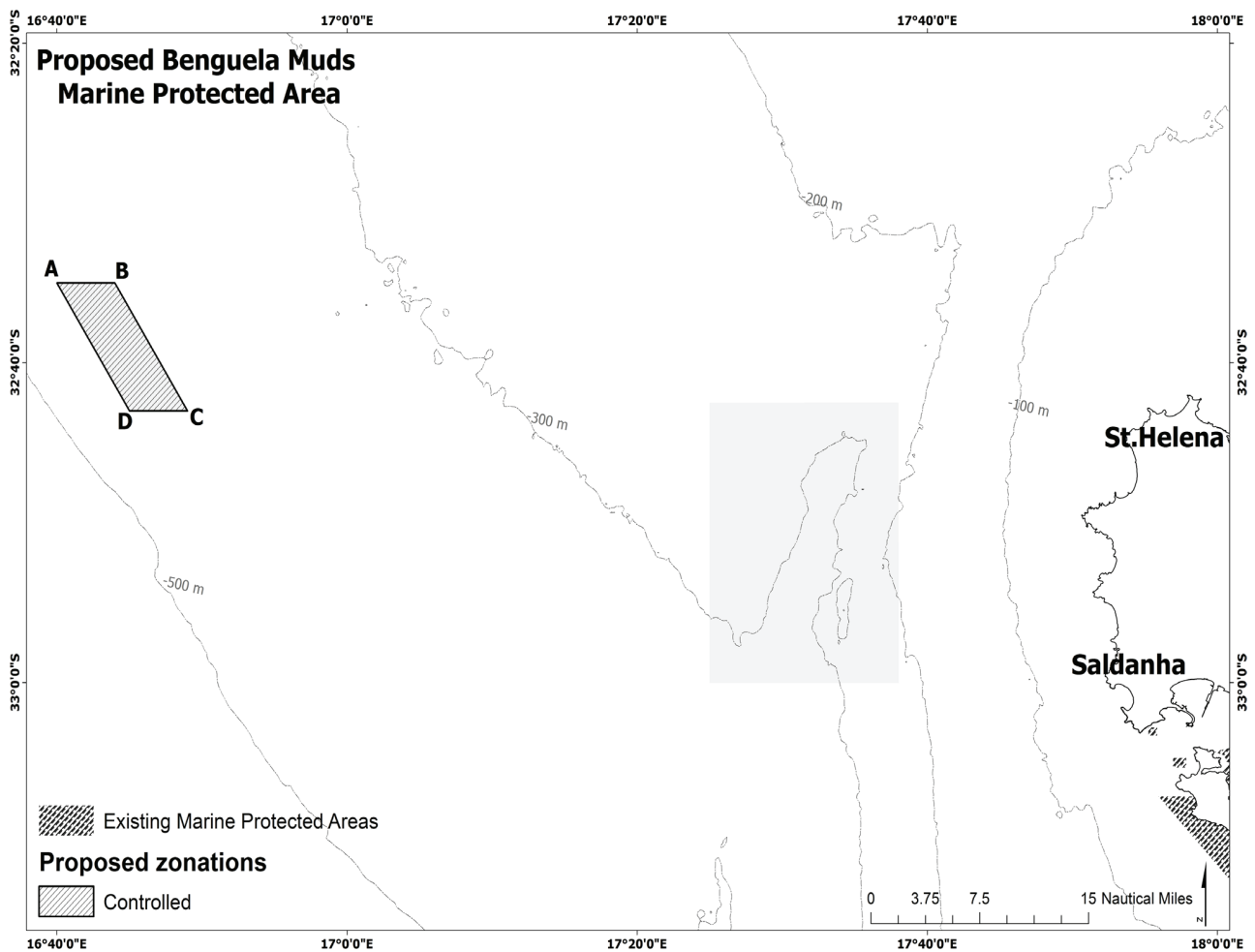


Fig. 1. The proposed zonation for the Benguela Muds Marine Protected Area

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:

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**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.

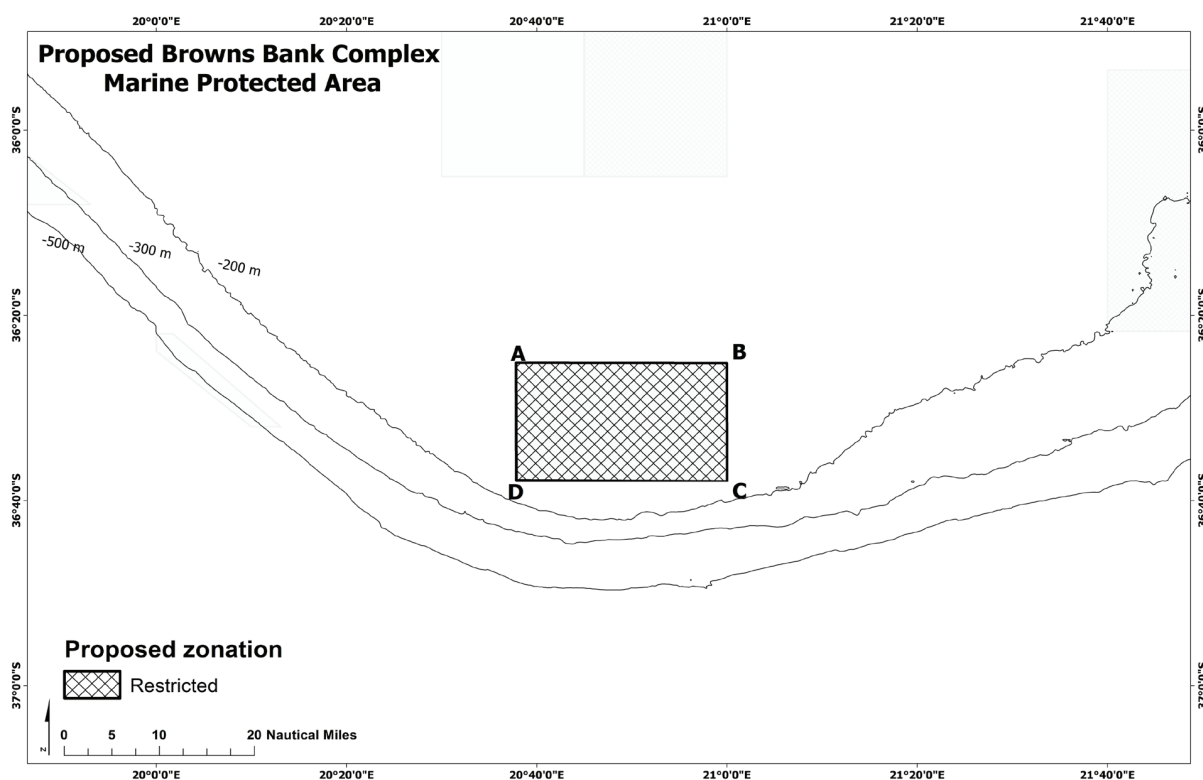


Fig. 1. The proposed zonation for the Browns Bank Complex Marine Protected Area

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.

Annexure 1:

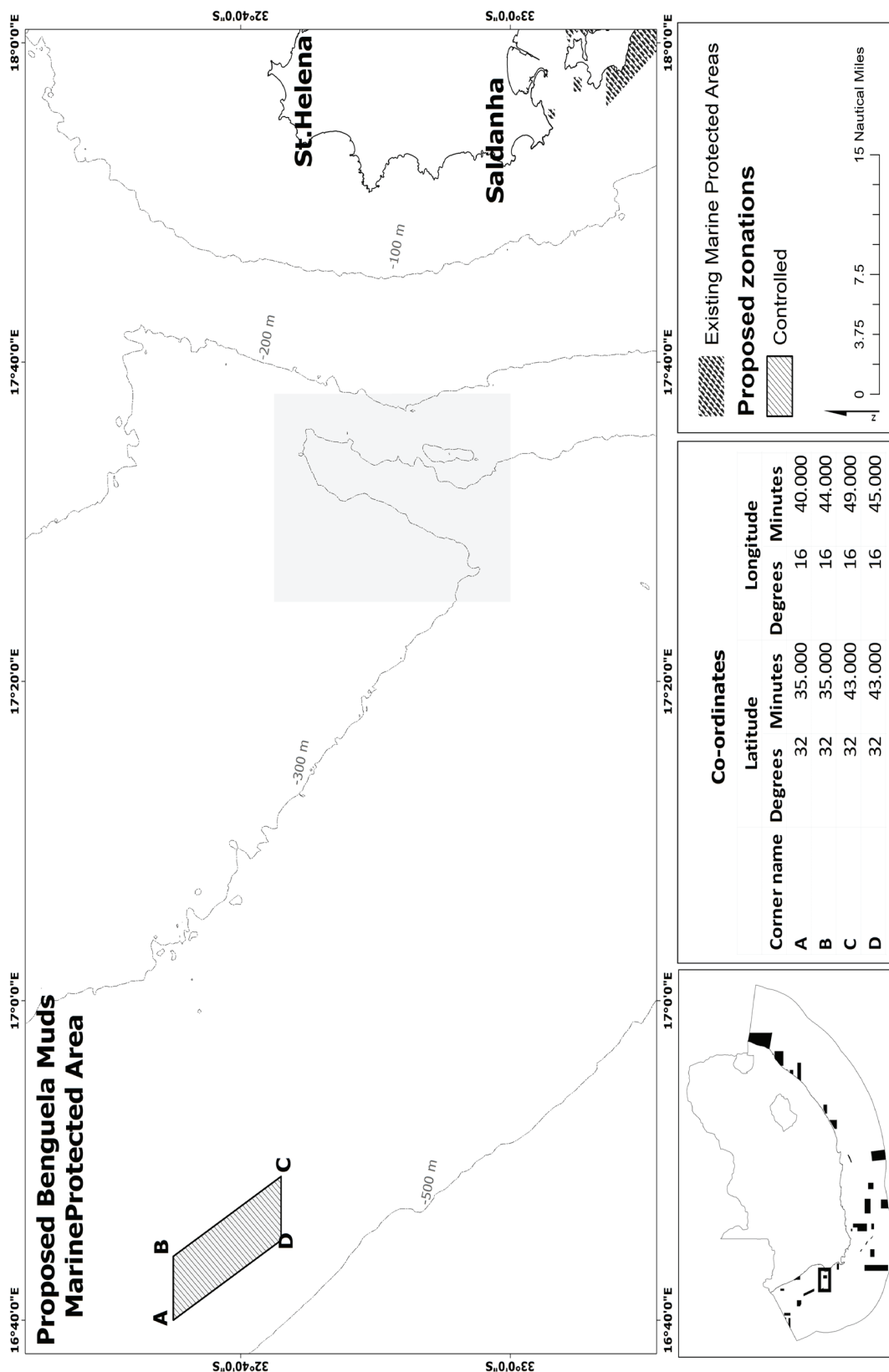


Figure 1. The proposed boundaries for the Benguela Muds Marine Protected Area.

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.

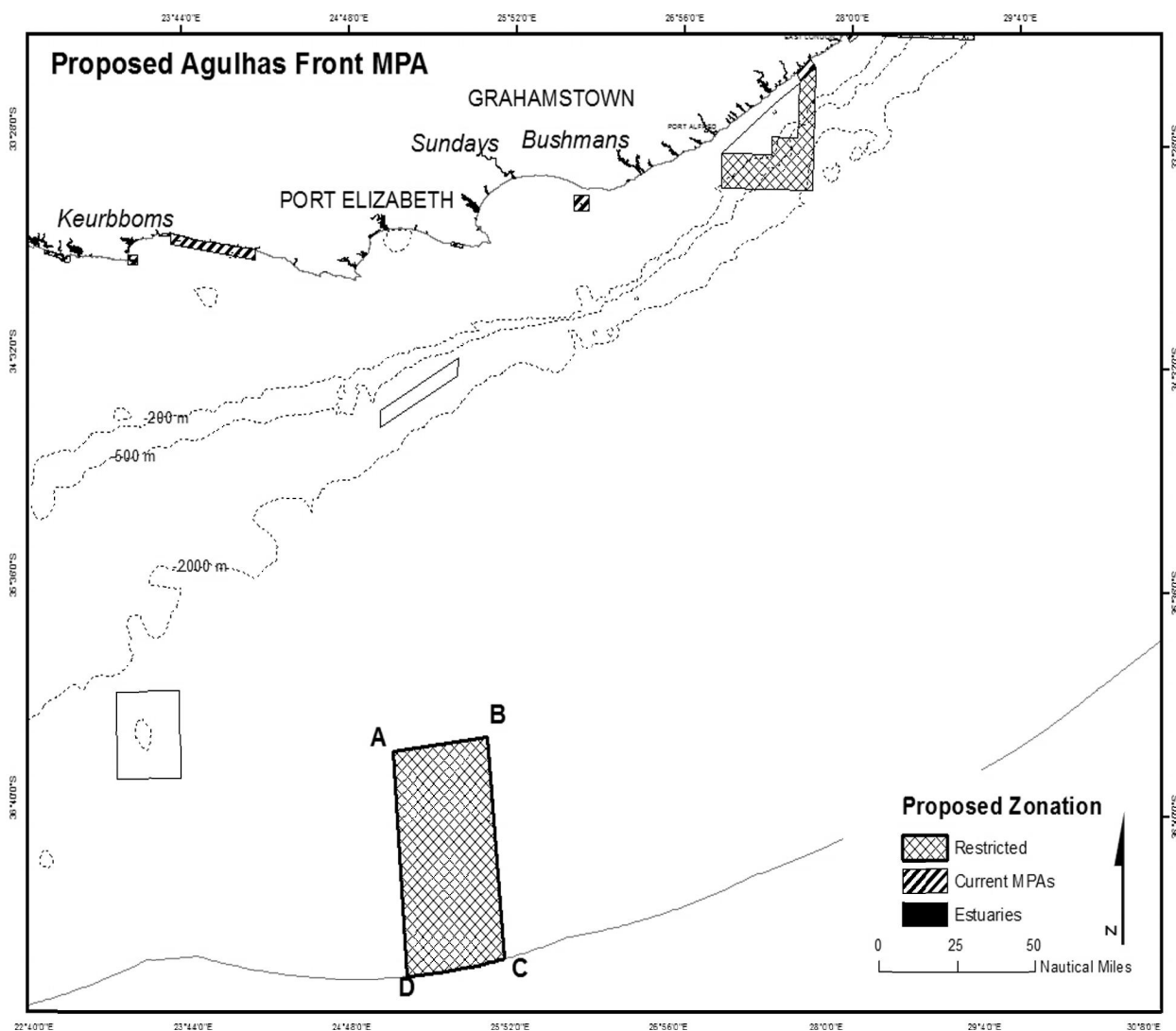


Fig. 1. The proposed zonation for the Agulhas Front Marine Protected Area.

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
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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;

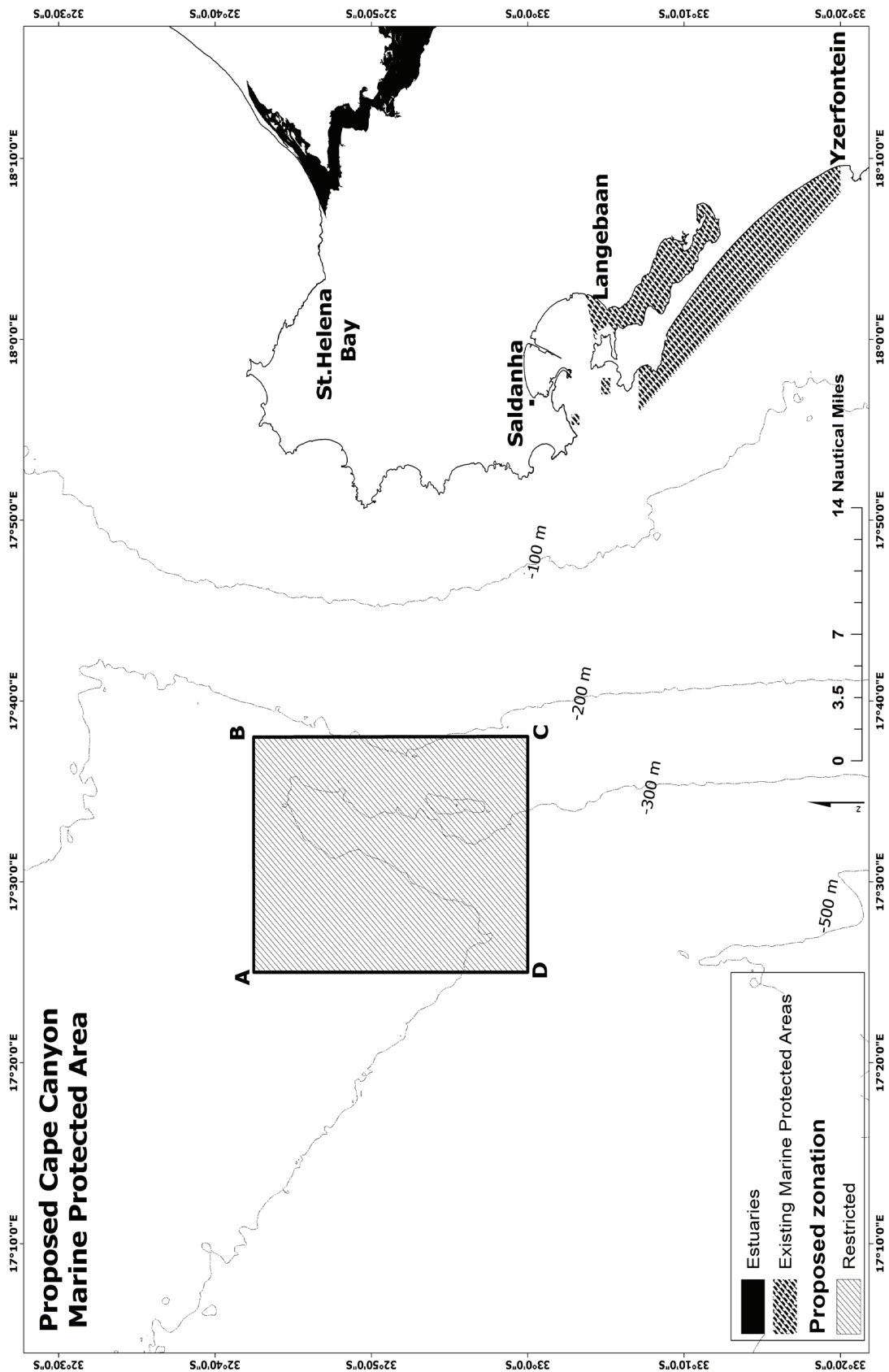
is guilty of an offence and liable in the case of a first conviction to a fine not exceeding R5 million or to imprisonment for a period not exceeding five years and in the case of a second or subsequent conviction to a fine not exceeding R10 million or imprisonment for a period not exceeding 10 years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

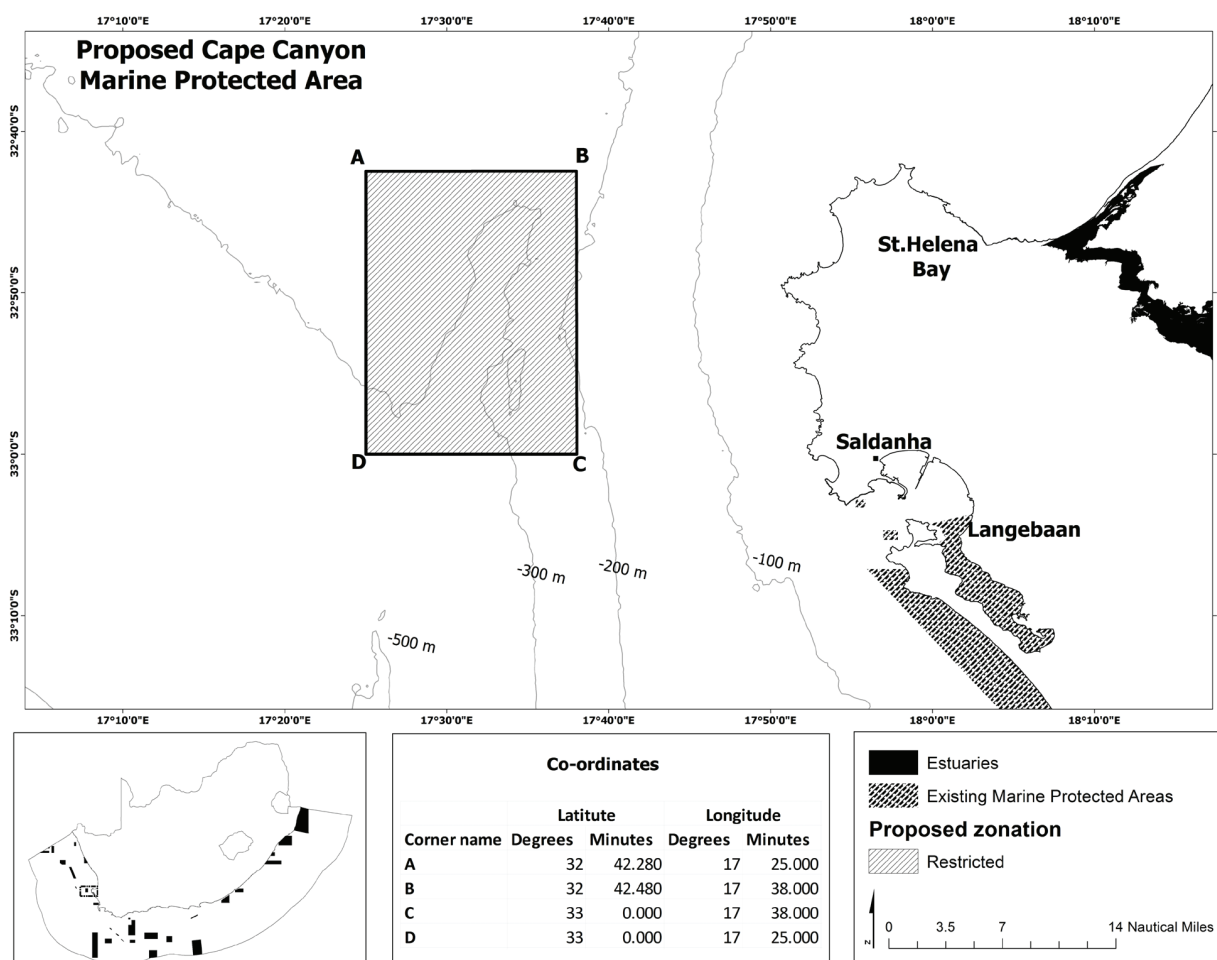


Fig. 1. The proposed boundaries for the Cape Canyon Marine Protected Area.

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

Corner name	X (East) Decimal Degrees	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