

No. R. 1429

29 December 2000

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

DECLARATION OF AREAS AS MARINE PROTECTED AREAS

1, Mohammed **Valli Moosa**, Minister of Environmental Affairs and Tourism, hereby under Section 43 of the Marine Living Resources Act, 1998 (Act No. 18 of 1998), declare the areas as indicated in the Schedule to be marine protected areas and hereby assign to the marine protected areas the names indicated in the Schedule.

SCHEDULE

1. (1) In this notice **any** word or expression to which a meaning has been assigned in the Act shall bear the meaning as assigned to it unless the context indicates otherwise.

(2) For the purposes of this notice all geographic co-ordinates are based on the World Geodetic System (WGS) 84 (G730) datum

DESCRIPTION OF BOUNDARIES OF MARINE PROTECTED AREAS

2. (1) The **Castle Rock Marine Protected Area** (previously known as the Millers Point Marine Reserve) in the Western Cape Province is bounded by, as western boundary, the high-water mark, as northern boundary, a line (084° true bearing) drawn from the beacon marked **VB1** (34°14'.1 S; 018°28'.508E), situated opposite **Bakoven** Rock to the south of Millers Point, as southern boundary, a line (111° true bearing) drawn from the beacon marked **VB2** (34°15'.48S; 018°28'.344E) situated on Baboon Rock, to the south of Partridge Point, and as eastern boundary, the longitude 018°29'.7E.

(2) The **Betty's Bay Marine Protected Area** (previously known as the H F. Verwoerd Marine Reserve) in the Western Cape Province is bounded by, as northern boundary, the high-mark, as western boundary, and a line (180° true bearing) drawn from the beacon marked B 1 (34°22' .45S; 018653' .765E) situated at Stony Point, as eastern boundary, a line (1 80° true bearing) drawn from the beacon marked B4 (34°2 1' .357S; 018°56' .240E) situated to the east of "Jock-se-baai", and as southern boundary the latitude 34 °24'.45S.

(3) The **De Hoop Marine Protected Area** in the Western Cape Province is bounded by the high water mark, a line (1 14° true bearing) drawn from the beacon marked DH1, situated near Stilbaai Point (34 °27'.13S; 020o52 '.25 E), another line (150' true bearing) drawn from the beacon marked DH2, situated between Rys Point and Skipskop (34 °34'.94S; 020°21'.89E), and a seaward boundary, which is a series of straight lines joining the following positions, each three nautical miles from the shore:

34028..378 S; 20°55' .653E,
 34°28' .385S; 20°55' .397E,
 34°30' ,378S; 20°53' .904E,
 34°31 ' ,295S; 20051' .277E,
 34°31' .088S; 20°48' .865E,
 34°30',416S; 20°45' .593E,
 34°29' .850S; 20°41' .128E,
 34°30' .438S; 20°34' .900E,
 34°32' .329S; 20°29' .699E,
 34 °37'.600S; 20°23' .757E.

(4) The **Goukamma Marine Protected Area** in the Western Cape Province is the area between the high-water mark and a line one nautical mile seawards of the high-water mark, and between, as eastern boundary, a line (090° true bearing) drawn from the point where the north-eastern boundary of Portion 1 of the farm Walker's Point reaches the high-water mark, and as western boundary, a line (180° true bearing) drawn from the point where the western boundary of the Goukamma Nature Reserve reaches the high-water mark.

(5) The **Robberg Marine Protected Area** in the Western Cape Province includes the marine area around the Robberg Peninsula, near Plettenberg Bay, bounded by the latitudes 34 °04'.916S and 34°07' ,633S and longitudes 023°22' .300E and 023°25' .967E.

(6) The **Sardinia Bay Marine Protected Area** in the Eastern Cape Province is the area between the high-water mark and a line one nautical mile seawards of the high-water mark, and between, as eastern boundary, a line (1 80° true bearing) drawn from the beacon marked PECRI situated near Schoenmakerskop and, as western boundary, a line (180° true bearing) drawn from the beacon marked PECR2, situated near Bushy Park.

(7) The **Dwesa-Cwebe Marine Protected Area** in the Eastern Cape Province is the area between the high-water mark and a line six nautical miles seawards of the high-water mark, and between, as northern boundary, a straight line (135° true bearing) drawn from the western bank of the mouth of the Suku River in the District of Elliotdale, and, as southern boundary, a similar line drawn from Human's Rock in the District of Willowdale, and including the tidal portion of the Mbashe River upstream as far as a line drawn from the point where the north-western boundary of the Dwesa Forest Reserve reaches the high-water mark of the river to the point where the south-western boundary of the Cwebe Forest Reserve reaches the high-water mark of the river.

(8) The **Hluleka Marine Protected Area** in the Eastern Cape Province is the area between the high-water mark and a line six nautical miles seaward of the high-water mark, and between, as northern boundary, a straight line (135° true bearing) drawn from a beacon marked H 1 situated in the Hluleka Nature Reserve where the game fence near the northern boundary of the nature reserve reaches the high-water mark, and, as southern boundary, a similar line drawn from the point where the southern boundary of the nature reserve reaches the high-water mark.

(9) The **Mkambati Marine Protected Area** in the Eastern Cape Province is the area between the high-water mark and a line six nautical miles seawards of the high-water mark, and between, as northern boundary, a straight line (135° true bearing) drawn from the northern bank of the mouth of the Mtentu River, and, as southern boundary a similar line drawn from the southern bank of the mouth of the Msikaba River including the tidal portions of these two rivers.

(10) The **Trafalgar Marine Protected Area** in the province of KwaZulu-Natal is the area between the high-water mark and a line one nautical mile seawards of the high-water mark, and between, as northern boundary, a line (090° true bearing) drawn from the beacon marked N1, situated at Centre Rocks and, as southern boundary, a line (090° true bearing) drawn from the beacon marked N2, situated opposite the southern boundary of the Mpenjati Public Resort.

(11) The **St Lucia Marine Protected Area** is the area between the high-water mark and a line three nautical miles seawards of the high-water mark, and between, as northern boundary, a line (090° true bearing), drawn from the beacon marked N3 (27°26' .837S; 032°42' .143 E), situated approximately 11 km to the north of the Ngoboseleni Stream at Sodwana Bay and, as southern boundary, a similar line drawn from the beacon marked N4 (28°08' .5S; 32°33' .75 E), situated approximately 1 km to the south of Cape Vidal. The St Lucia Marine Protected Area includes the following zones:

- (a) A Sanctuary Area situated between, as northern limit, a line (090° true bearing) drawn from the beacon marked N5 (27°43' .056S; 32°37' .592 E), situated next to Red Cliffs, and as southern limit, a similar line drawn from the beacon marked N6 (27°55' .833S; 32°35' .667 E), situated at Leven Point.

- (b) A Restricted Area situated between, as a northern limit, a line (090° true bearing) drawn from the beacon marked **N3** and, as a southern limit, a similar line drawn from a beacon marked **N5**.
- (c) A Restricted Area situated between, as a northern limit, a line (090° true bearing) drawn from the beacon marked **N6** and, as a southern limit, the beacon marked **N4**.

(12) The **Maputaland** Marine Protected Area is the area between the high-water mark and a line three nautical miles seawards of the high-water mark, and between, as northern boundary, a line (090° true bearing), drawn from the beacon marked **N7** (26°51'.6S; 32053'.433 E), situated at the South African - Mozambique border and, as southern boundary, a similar line drawn from the beacon marked **N3** [27°26'.837S; 032°42'.143 E), situated approximately 11 kilometres north of the **Ngoboseleni** Stream at Sodwana Bay. The **Maputaland** Marine Protected Area includes the following zones:

- (a) A Sanctuary Area situated between, as northern limit, a line (090° true bearing) drawn from the beacon marked **N8** (27°00'.663S; 32°51'.906 E), situated next to **Boteler** Point, and as southern limit, a similar line drawn from the beacon marked **N9** (27°06'.583S; 32°50'.508 E), situated 500m south of Dog Point.
- (b) A Sanctuary Area situated between, as a northern limit, the beacon **N7**, situated at the South African -Mozambique border, and a line (090° true bearing) drawn from the beacon marked **N13** (26°57'.978S; 32°52'.533 E), but excludes the restricted area described in subparagraph (c).
- (c) A Restricted Area bounded by the high water mark and a line 100 m seawards of the high water mark, and, as a northern limit, a line (090° true bearing) from the beacon marked **N7** at the South African-Mozambique border, and as a southern limit, a similar line drawn from the beacon marked **N27** (26 °54'.928S; 32°52'.776E), which is approximately 2 km south of the mouth of the Kosi Lakes.
- (d) A Restricted Area situated between, as a northern limit, a line (090° true bearing) drawn from the beacon marked **N13**, and, as a southern limit, a similar line drawn from the beacon marked **N8**.
- (e) A Restricted Area between, as a northern limit, a line (090° true bearing) drawn from the beacon marked **N9**, and as a southern limit the southern boundary of the Marine Protected Area at the beacon marked **N3**.

(13) The **Langebaan Lagoon Marine Protected Area** in the Western Cape Province is the area bounded by the high-water mark and, as a northern boundary, a line running from **Leentjiesklip** No. 2, (33 °03'.707S; 018002'.462E), towards Salamander Point (33°04'.323S; 017059'.795E), until it meets the seaward boundary

of the South African National Defence Force area, as demarcated by yellow buoys (Chart SAN SC 2), and then **along** this boundary to the yellow buoy east of Meeu Island (33°05' .166S; 018°00' .809 E), and then **along a straight line to** Perlemoen Point on the western shore of Langebaan Lagoon (33°05' .590S; 048°00' .211 E).

(14) The **Sixteen Mile Beach Marine Protected Area** in the Western Cape Province is the area bounded by a line beginning at the high-water mark in Plankiesbaai (33°07' .106S; 017°58' .377 E), and then *running* south-eastwards along the high-water mark to Rooipan se Klippe near Yzerfontein (33°20' .006S, 018° 09' .595 E), and then due westwards to longitude 018°08" .095E and then along a north-west line to the intersection of latitude 33°07', 107S and longitude 017°55' .96E and then to the point of beginning.

(15) The **Ma(gas Island Marine, Protected Area** in the Western Cape Province is the area below the high-water mark between latitudes 33°02' .806S and 33°03" .506S and longitudes 017°55' .261 E and 017°55' .862E.

(16) The **Jutten Island Marine Protected Area** in the Western Cape Province is the area below the high-water mark between latitudes 33°04' .706S and 33°05' .306S and longitudes 017°56' .961 E and 017°57' .861 E.

(17) The **Marcus Island Marine Protected Area** in the Western Cape Province is the area below the high-water mark between latitudes 33°02' .507S and 33°02' .806S and longitudes 017°57' .861 E and 017°58" .361 E.

(18) The **Helderberg Marine Protected Area** in the Western Cape Province is the area between the high-water mark and a line 500 m seawards of the high-water mark, between, as western boundary, a line due south of the mouth of the Eerste River, and, as eastern boundary, a line due south of the mouth of the Lourens River, in False Bay.

(19) The **Tsitsikamma Marine Protected Area** in the Eastern Cape Province is the area bounded by a line beginning from the high-water mark at Die Punt, Nature's Valley (33°59',0S; 023°34'561 E), and running eastwards along the high-water mark to the right bank of the Grootrivier (East) (34°03' .6S, 024°1 1' .665 E), and then running due south to a point three nautical miles offshore (34°06' .6S; 024°1 1' .665 E), and then along a straight line running parallel to the shore to a point three nautical miles from the high-water mark (34°01' .817S; 023°38' .857E) measured along a line running due south from the right bank of the mouth of the Bloukrans River, and then due north to a point 0.5 nautical miles from the high-water mark (33°59' .317S; 023°38' .857 E), and then along a straight line to a point (33°59' .5S, 023°34' .561 E) due south of Die Punt, Nature's Valley, and then due north to the high-water mark at the point of beginning.

STIPULATIONS: MARINE PROTECTED AREAS

3, (1) The provisions of section 43(2)(a) of the Act shall not apply to—

- (a) the catching of linefish by recreational shore-angling in the Betty 's Bay, Goukamma and Robberg Marine Protected Areas;
 - (b) the catching of snoek (*Thyrsites atun*) by a person authorised to undertake commercial fishing from licensed local fishing vessel in the Castle Rock Marine Protected Area;
 - (c) the catching of linefish in terms of a recreational fishing permit or netfishing permit in the Langebaan Lagoon Marine Protected Area, north of a line joining the beacons LB4, in Kraal Bay, on the western shore of the lagoon, and LB3 at Oesterwal, on the eastern shore of the lagoon;
 - (d) the catching of linefish in terms of a netfishing permit in the Langebaan Lagoon Marine Protected Area south of a line joining beacons LB4 in Kraal Bay, on the western shore of the lagoon, and LB3 at Oesterwal, on the eastern shore of the lagoon, and north of a line joining beacons LBI south of Churchhaven, on the western shore of the lagoon, and LB2 at Bottelary, on the eastern side of the lagoon;
 - (e) the catching of linefish from a vessel, and the catching of West Coast rock lobster (*Jasus lalandii*) and abalone (*Haliotis Mae*), in terms of recreational and commercial fishing permits, in the Sixteen Mile Beach Marine Protected Area;
 - (g) the catching of linefish from a vessel in terms of recreational and commercial fishing permits in the Malgas Island, Jutten Island and Marcus Island Marine Protected Areas;
 - (g) the catching of linefish by recreational anglers from the shore, and the catching, including spearfishing, of pelagic bony fish of the families *Scombridae*, *Carangidae*, *Pomatomidae*, *Coryphaenidae*, *Rachycentridae*, *Xiphiidae*, *Ostiophoridae* and *Sphyraenidae*, the species *Aprion virescens*, as well as pelagic cartilaginous fish of the families *Carcharinidae*, *Isuridae*, *Sphyrmidae*, *Alopiidae* and *Odontaspidae* from a vessel in the Trafalgar Marine Protected Area, and in the restricted areas of the St Lucia and Maputaland Marine Protected Areas.
- (2) A vessel in the sanctuary areas of the St Lucia and Maputaland Marine Protected Areas **may not carry** or transport any fish or any parts thereof.
- (3) No person shall, except on the authority of a permit, launch a vessel in the St Lucia and Maputaland Marine Protected Areas, other than at designated launch sites at Cape Vidal and Sodwana Bay **No** vessels may be launched in the sanctuary areas of the St Lucia and Maputaland Marine Protected Areas.
- (4) **No** person shall dive in the St Lucia and Maputaland Marine Protected Areas with the use of artificial breathing apparatus or any submersible craft, except on the authority of a permit.

(5) **No person shall, except on the** authority of a permit, engage in fishing, collecting, killing, attempting to kill, disturbing, harassing or controlling of any whale shark (*Rhincodon typus*) **at any time in the St Lucia and Maputaland Marine Protected Areas. For the purpose of this** notice, “disturbing **or** harassing” shall also include—

- (a) shooting at **any whale** shark;
 - (b) approaching closer than 20 metres to any whale shark by **means of any vessel** or aircraft; and
 - (c) that in the event of a whale shark approaching closer **than 20 metres** from a vessel or aircraft, **the** person in charge of **such** vessel or **aircraft fails** to proceed immediately to a distance of at least 20 metres from the **whale** shark.
-