

MINUTES OF MEETING 4 DECEMBER 2014 16H00 SHELLY BEACH SKI BOAT CLUB RE: MPA

**PRESENT:** AS PER REGISTER

**WELCOME:** Mr Anton Gets welcomed all and said it was good to see a broad spectrum of people at the meeting, Media, Local Councillors, SADSAA representatives, HCM departments, Rate Payer Associations, Conservancy members, Doctors, Dive operators, Tour operators, Charter companies, B&B owners, Shop owners, Estate agents, Letting agents, Club members, Fly Fishermen and Ski Boat Fishermen.

**INTRODUCTION:** Mr Gets introduced Mr Glen Jansen the NDSAA Environmental Officer and said the purpose of the meeting was to obtain information before we end up with a situation like the Copper ban which Border DSAA fought and won at a cost of approximately R700,000.00. The primary reason for **the ban being set aside**, was due to lack of scientific evidence and poor public representation, all of which the DAFF and three other respondents failed to supply.

Mr Jansen thanked the Ski Boat Club for hosting the meeting and said he was here to explain what the MPA is about and to share information based on the Aliwal MPA. He explained that he has been working with Ezemvelo (Tamsyn Livingstone) on that project, but reiterated, he was not part of the working group, and only received minutes from various parties. Mr Jansen also advise all, that he and Anton, were by no means scientists, but were merely sharing info received and googled, and that NDSAA has a serious concern that certain parties were already minuted as public , but the failure by Ezemvelo to include both NDSAA and SADSAA as affected parties from the beginning , was questionable . We understand the 60 day public comment period, but why not narrow down proposals from the beginning. This would make the process far more workable.

**COMMON PURPOSE:** Mr Jansen said we are all here for a common purpose and asked people not to be derogatory towards Ezemvelo KZN Wildlife, or any other organization, in that we do not want our integrity questioned. All comments were to be of such a nature, we could forward same. Mr Jansen said it's important to get details of all the user groups involved here today and Ezemvelo have asked for that information.

**USER GROUPS:** Mr Jansen said another common purpose was to get clarity on the different zones, and how they could affect us. The affect it will have on the different users groups depends on the actual zone that is given to Protea. Mr Jansen reported that according to Tamsyn Livingstone the Protea MPA was only presented recently at the Phakisa meeting and has not yet been allocated a zone, this has still to be identified before we can oppose; if we want to.(dependant on what is applied) Mr Jansen was only today invited to a Ezemvelo working group meeting next week as a stakeholder and to identify who the key representatives are here tonight, to inform them if we(Shelly Beach affected parties) want to form our own representation and have a spokesperson.

**IDENTIFY MPA'S:** There are four MPAs that have been currently identified, one in Isimangaliso, Tugela, Aliwal Shoal and now Protea Banks. All four will be based on the same information, in other words, what species are affected, why they want to implement them and the affect users are having.

ZONATION CATEGORIES FOR MARINE PROTECTED AREAS in KWAZULU-NATAL



Summary of permissible marine activities per zone

	<b>SANCTUARY ZONE A</b>	<b>RESTRICTED ZONE B1</b>	<b>CONTROLLED ZONE C</b>
<b>PERMISSIBLE ACTIVITIES</b>	<p><b>Inshore</b></p> <ul style="list-style-type: none"> <li>❖ Research and monitoring with a scientific permit and special motivation (typically only research and monitoring for benchmarking, for demonstrating value of sanctuaries and where it has been ascertained that the work cannot be done elsewhere, e.g. only place a species occurs).</li> <li>❖ Guided educational tours on foot (wilderness trails).</li> <li>❖ Scientific and monitoring research beach driving with special permit and motivation.</li> <li>❖ Walking on beaches and swimming.</li> <li>❖ Surfing and surf skiing but with paddling out only from demarcated areas / sandy shores</li> <li>❖ Essential management activities (compliance and monitoring and emergencies only, not drive through)</li> </ul>	<p><b>Inshore</b></p> <ul style="list-style-type: none"> <li>❖ Educational tours</li> <li>❖ Research and monitoring for registered research projects with scientific permit</li> <li>❖ Walking on beaches and rocks.</li> <li>❖ Fossicking</li> <li>❖ Swimming, snorkelling in rock pools and shallow sub tidal areas</li> <li>❖ Surfing, Sea-kayaking, Surf-skiing, kite and wind surfing.</li> <li>❖ Scientific research and management beach-driving.</li> </ul>	<p><b>Inshore</b></p> <ul style="list-style-type: none"> <li>❖ Recreational rock &amp; surf angling (according to a fish list, all other species to be returned).</li> <li>❖ Recreational spearfishing (according to fish list).</li> <li>❖ Recreational invertebrate harvesting</li> <li>❖ Horse-riding.</li> <li>❖ Walking on beaches &amp; rocks or fossicking.</li> <li>❖ Swimming, snorkelling</li> <li>❖ Surfing &amp; surf-skiing, kite and wind surfing.</li> <li>❖ Research and monitoring for registered research projects with scientific permit</li> <li>❖ Management activities.</li> <li>❖ Beach-driving by scientific and management vehicles.</li> <li>❖ Special events.</li> </ul>
<b>PERMISSIBLE ACTIVITIES</b>	<p><b>SANCTUARY ZONE A</b></p> <p><b>Offshore</b></p> <ul style="list-style-type: none"> <li>❖ Research and monitoring with a scientific permit and special motivation (see above for inshore).</li> <li>❖ Minimum required law enforcement patrol and reaction.</li> <li>❖ Guided Sea-kayaking.</li> <li>❖ Guided Educational tours (non-motorised, non-mechanised</li> <li>❖ Public boating: Vessels at sea within the 3 nautical mile limit offshore have the right of passage, may not be in possession of any fish or parts thereof, and may not stop for any reason, other than a declared emergency (e.g. sinking).</li> </ul>	<p><b>RESTRICTED ZONE B1</b></p> <p><b>Offshore</b></p> <ul style="list-style-type: none"> <li>❖ Concession Scuba diving</li> <li>❖ Snorkelling,</li> <li>❖ Free diving</li> <li>❖ Sea-kayaking.</li> <li>❖ Offshore Boating (DOT/SAMSA registered)</li> <li>❖ Concession-based boat launching at designated launch sites.</li> <li>❖ Research and monitoring for registered research projects with scientific permit</li> <li>❖ Educational tours (non-extractive).</li> <li>❖ Management motorised boating</li> </ul>	<p><b>CONTROLLED ZONE C</b></p> <p><b>Offshore</b></p> <ul style="list-style-type: none"> <li>❖ Recreational Scuba diving</li> <li>❖ Snorkelling</li> <li>❖ Free diving</li> <li>❖ Boating (DOT registered).</li> <li>❖ Concession-based and self boat launching at designated launch sites.</li> <li>❖ Use of fishing jetskis only</li> <li>❖ Recreational fishing according to fish list</li> <li>❖ Recreational spearfishing according to fish list</li> <li>❖ Research and monitoring for registered research projects with scientific permit</li> <li>❖ Educational tours</li> <li>❖ Sea-kayaking, kite &amp; wind-surfing, or parasailing from boat.</li> <li>❖ Special events</li> <li>❖ Management activities</li> </ul>

**Summary of non-permissible marine activities per zone**

	<b>SANCTUARY ZONE A</b>	<b>RESTRICTED ZONE B1</b>	<b>CONTROLLED ZONE C</b>
<b>NON-PERMISSIBLE ACTIVITIES</b>	<p><b>Inshore</b></p> <ul style="list-style-type: none"> <li>❖ Harvesting of intertidal or shallow subtidal organisms</li> <li>❖ Vehicles on beaches (except for essential management activity and research/monitoring under special permit) or self-drive and concession beach driving.</li> <li>❖ Fossicking and shell collecting.</li> <li>❖ Launching of boats</li> <li>❖ Walking on intertidal rocks</li> <li>❖ Riding of bikes</li> <li>❖ Horse-riding</li> <li>❖ Snorkelling</li> <li>❖ Rock and surf angling</li> <li>❖ Jetskis.</li> <li>❖ Any other activity not specifically listed as permissible</li> </ul>	<p><b>Inshore</b></p> <ul style="list-style-type: none"> <li>❖ Vehicles on the beach except under recreational and educational use permits for concession operators, and authorised management and research vehicles.</li> <li>❖ Extractive recreational fishing</li> <li>❖ Jetskis.</li> <li>❖ Special events</li> <li>❖ Any other activity not specifically listed as permissible</li> </ul>	<p><b>Inshore</b></p> <ul style="list-style-type: none"> <li>❖ Keeping of fish not on "fish list"</li> <li>❖ Any other activity not specifically listed as permissible</li> </ul>
<b>NON-PERMISSIBLE ACTIVITIES</b>	<p><b>Offshore</b></p> <ul style="list-style-type: none"> <li>❖ Scuba diving (except for monitoring and research under special permit), free diving, snorkelling, kite &amp; wind-surfing.</li> <li>❖ Educational tours using motorised vessels.</li> <li>❖ Parasailing from boat</li> <li>❖ Jetskis.</li> <li>❖ All forms of extractive use, including reef &amp; pelagic fishing; spearfishing, collection of biota, marine products (shells) and rocks/sand, etc.</li> <li>❖ Chumming / bait-stemming or feeding of fish (including sharks)</li> <li>❖ Self-launch or concession boat launching.</li> <li>❖ Private or concession boating, except through-passage carrying no fish</li> <li>❖ Harassing of marine mammals and whale sharks</li> <li>❖ Any other activity not specifically listed as permissible</li> </ul>	<p><b>Offshore</b></p> <ul style="list-style-type: none"> <li>❖ Bottom fishing (whether catch and release or not).</li> <li>❖ Recreational fishing (whether catch and release or not).</li> <li>❖ Para-sailing from boat</li> <li>❖ Jetskis.</li> <li>❖ Self-launch boat launch sites.</li> <li>❖ Extractive recreational fishing and spearfishing.</li> <li>❖ Chumming / bait-stemming or feeding of fish (including sharks)</li> <li>❖ Harassing of marine mammals and whale sharks</li> <li>❖ Any other activity not specifically listed as permissible</li> </ul>	<p><b>Offshore</b></p> <ul style="list-style-type: none"> <li>❖ Jetskis (Except for the purposes of fishing)</li> <li>❖ Bottom fishing (unless specifically permitted in a designated area).</li> <li>❖ Chumming / bait-stemming or feeding of fish (including sharks) except under special permit conditions</li> <li>❖ Keeping fish not on fish list</li> <li>❖ Harassing of marine mammals and whale sharks</li> <li>❖ Any other activity not specifically listed as permissible</li> </ul>

**MINERAL EXPLORATION:** The discussion at present is the mining rights for oil and gas, as there was a seismic survey being done on the coast, they proposed to do a 2D data graph; the survey was 3000kms within the block which ranges from 20 – 500 meters, the scientists are now saying that if we have oil rigs within this zone it could be detrimental to the environment and they need to create an MPA quickly so that it can be excluded. Mr Jansen doesn't believe the Government would exclude findings that could offer financial benefits especially oil and gas. He believes this rumour is unfounded. Mr Jansen recently Googled information about Oil rigs in Mexico and how they are actually high aggregation points for fish, where they lay their eggs. If there is a blow out on an Oil rig the catastrophe is the same as the effluent that is currently going into our rivers and sewerage being pumped out to sea, it's all relevant and we cannot work with maybe or what if.

**TARGETED %:** The ultimate target percentage of our Coast to be protected is 10% and presently it is only some 0.4 %. If the data Mr Jansen has, can be relied on, so obviously this will become a topic for a lot of other areas and everyone needs to understand what we mean with the word zonation. Mr Jansen said they are hoping the change B1 to include pelagic fish and scuba diving. We are of the opinion that the main reason for zones being brought in is due to lack of policing. **What has happened to the Ruth First, Sahara Baartman and Lillian Ngoyi?** Mr Jansen also said that **Ezemvelo are bound legally to advise why changes must happen with scientific evidence and not just heresy.** Scientific evidence requires years of studies, and should we be bullied into having to take matters up with litigation, the **defined process we would use would be based on the Border Deep Sea Angling Association case regarding the copper steenbras ban being put aside.**

**EXPLANATION OF ZONATIONS:** Primarily there are three types of zones; ( A) Sanctuary Zone, (B1) Restricted Zone and (C) controlled zone, each divided into Inshore and Offshore with permissible and non -permissible activities.

**PUBLIC PARTICIPATION PROCESS:** Mr Jansen read an extract of minutes of a meeting regarding changes to the Aliwal boundaries by Ezemvelo, and to which reference was made that not all key stake holders were part of the working group, and to which, the Clansthal Conservancy felt it as fairly representative. Here, a non- constituted body dictating terms, clearly unfounded.

According to Tamsyn Livingstone public participation meetings are due to take place in March 2015 with the aim to network with user groups and decide on boundaries, Ezemvelo have said that what they get out of these workshops they will then use.

**Mr Jansen said that whoever is chosen to represent Protea will have to be knowledgeable on the zones, and unfortunately, phrases from current minutes that state "There was a few proposals put forwards by willing stake holders, and ezemvelo (would only support those that they felt would add to the achievement of biodiversity targets)". This statement in itself indicated a doctoral, approach as opposed to participative, which is further great info for any case of litigation.** Mr Jansen stated that MPAs will happen and that they are needed to ensure the sustainability of the marine resources, but the way they are being done needs to be challenged. Our constitution allows us to participate in matters that concern us, just because something has been gazetted, also doesn't mean it can't be challenged, public notices have to be published and there is a sixty day time frame

for public participation and then there is the litigation process which we would hope to avoid as it's an expensive process, but as Border had, so would NDSAA have financial support from all sectors.

**FLAWS IDENTIFIED IN CURRENT SITUATIONS:** As NDAAA environmental officer, Mr Jansen has consolidated all the issues he believes constitute questionable, and that these would be submitted along with whatever other info accumulates for the March 2015 response. Mr Jansen stated that compromises will have to be made, we are not for one minute against conservation but there has to be a balance between the environment and user groups which needs to be taken cognisance of. GPS marks have to be identified as they cannot blanket the whole area with the same zone restriction. We have to show that angling is sustainable as well as environmental management, and for now there is nothing we can do until the documentation comes out regarding the zones.

It is recommended that we form a forum, user group or have a spokesperson but to focus only on one aspect, i.e. Protea Reef, look after what's on our own back door and remember that angler concerns are different to divers, which are different to charters etc. Our negotiating power must stay with the user groups that are here. Ezemvelo have asked for feedback and information on the user groups at Shelly. Choose someone to attend the Ezemvelo workshops with a common cause and speak with a common purpose; the compromises that we make now have to be from everyone, every single user and group of this environment. Not to elect an irrational person, as those are the people who are asked to leave the meetings which then carry on regardless, rather elect someone with tact.

**THE WAY FORWARD:** The way forward is to have some sort of mandate whereby to decide to have one group or go ahead individually and represent yourselves, you can do that but the problem is that unless everyone who attends the Ezemvelo workshops speaks from a common cause it then becomes opinion based and not a collective thing, and it makes the case for Protea Banks, and all other proposed MPA, much more difficult. Somehow we have to ensure that the people who decide to participate all have the same common cause otherwise it's difficult to motivate the correct zone for Protea.

**WHO TO PETITION:** Mr Jansen said that whatever information he gets at next week's meeting he will forward to Mr Gets, he also said that the information can be shared on social media and he will keep Shelly Beach SBC updated. People have to get together and motivate the correct zone for Protea, as MPAs are going to happen and people must understand that, compromises will have to be made. If they dig in and refuse to budge they will lose as it is going to happen. Comments will go to DEA.

**QUESTIONS & ANSWERS:** Mr Gets then opened the floor to Questions and said to keep in mind that we are still in the dark as documentation is not out yet, but Ezemvelo are now aware that we are aware of what is happening.

Frank Gainsford (info for you): There are three levels of management, Provincial, Local and Ministerial; each one is supposed to have a Coastal Management Plan, we should look at the National Acts, tourism also has to be involved.

Angelique Magor (Ristany's Holiday Resort): Asked if different users can be in the same group.

Anton Gets replied that we are all reliant on the ocean, it's not just about fishing, our local Government can only survive if we survive and we have to include them as well as Tourism in the process. Shelly Beach has very little in the way of industry, so hence the concerns for those reliant on what the marine environs offers, including tourism.

Mr Jansen suggested that each sector work on their business plans as the zoning will affect everyone, each has to do their own plan to show how much business they generate in the area; this information should then be collated into one presentation document. This is not an angling problem as the zoning will affect every sector of business in our area and everyone should take it seriously.

Angelique Magor said we have to spread the word as people don't believe an MPA will happen or that it will affect them, we have to stand together. If we don't then it will be a major problem for us all.

Anton Gets said that every MPA is unique and we have an opportunity to try and design our own, conservation is a core belief of the Natal Deep Sea Angling Association constitution and every ski boat club in KwaZulu Natal belongs to NDSAA. It is the zoning allocation we want to have a say in, otherwise our town is dead. We need every business sector to get involved otherwise it is perceived as only an angling problem and it is not, it affects every business from estate agents to the local cafes. The bigger the group participation the more ammunition we have to use to our advantage. The lower South Coast is solely reliant on tourism for our income; we have nothing else to fall back on.

**Mr Jansen again stressed the need to have the correct people decide on the zone and he reported that recently a Aliwal Conservancy member when asked why they want to change the Zone for Aliwal to ban pelagic fish, the member asked Mr Jansen what is a pelagic fish? Now we must question, how can Ezemvelo enter into a MOA with a group whose spokesperson does not know what a pelagic fish is?**

Gert Brits (Shelly Beach Tourism): Shelly Beach doesn't have an official conservancy group and we should have one then we will have an official platform to speak from. Mr Brits was asked to put it on the agenda for the next Shelly Beach Tourism meeting as it's a very good suggestion. People keen to elect a committee should form a conservancy and have the Chairman selected by election.

Dick Pratt (Shelly Beach SBC Treasurer/SADSAA Tournaments): If users are going to form a broad committee to go up against Ezemvelo, they have to be as good as them and will need to get their act together, Ezemvelo have very competent lawyers on their team. Mr Pratt suggested that Shelly Beach Ski Boat club put an Ad in the paper calling for people or groups to come forward for the purpose of being the spokesperson/group, that way it will be better organised and will be more recognised by authorities, all correspondence and information has to be disseminated through the Chairperson only otherwise it leads to speculation and rumour. SBSBC will place an Ad in the January papers; then can decide on a name, structure and have some organising discipline.

Mr Gets again said they need a working committee from all aspects of Shelly Beach groups. Mr Jansen said it would be better if it was a business person with the ability to put things together properly. Mr Pratt said some time close to 15 January will be the time to have the next public meeting.

Gwen Barnard (Hlanganani Park): When she first heard about today's meeting she thought an MPA would only affect fishing and now feels that Ezemvelo should inform everyone through public media exactly how it will affect everyone from domestic workers, petrol attendants to shop owners , restaurants and resort owners.

Frank Gainsford: Tourism occasionally publishes public papers and they should do one now regarding MPAs. We need to get Tourism behind this and give it their full support.

Mr Jansen read from a Marine Protected Area Report dated 8 October 2014, "This report is a response to the journalist and Mr Anton Gets who formed part of the interview on ehowzit conducted on 4 October 2014, it should be noted that the meeting that the two referred to was a focused meeting with the local fishing groups in order obtain inputs and gather comments on a proposed MPA with the Protea Banks region. The meeting formed a larger engagement process where all interested parties and affected parties will be given an opportunity to give inputs and provide comments." Mr Jansen asked how many of those present today were invited to the referred meeting, the reply was none as no invites were sent out from Ezemvelo. Mr Jansen said it is a flawed document and once again this shows the ongoing degree of mistrust people have in the entire process.

Gwen Barnard asked how can we get holidaymakers involved, social media was suggested.

Mr Jansen said we have to wait until March 2015 and then NDSAA and SADSAA will publish their comments after the zones are put forward. Mr Jansen said once again we are not against conservation, there has to be a balance.

Mr Gets reminded people to read their emails and forward them on.

Mrs Stefani Fabricius (Riptide Charters): Asked if they should start a petition, she was told to wait until there was something to petition against.

Mr Gets closed the meeting by thanking all for attending and said that those who have supplied their email addresses will be kept informed, the others must check social media.

Mr Gets thanked Mr Jansen for travelling down from Durban and sharing information with us.