

Namibia

Marine Resources Act, 2001

## Regulations relating to Namibian Islands' Marine Protected Area, 2012

Government Notice 316 of 2012

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Republic of Namibia  
Annotated Statutes

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## Regulations relating to Namibian Islands' Marine Protected Area, 2012

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### Part 1 – PRELIMINARY PROVISIONS

#### 1. Definitions

In these regulations a word or expression to which a meaning has been assigned in the Act has that meaning, and unless the context otherwise indicates-

“**buffer zone**” means the all-encompassing area referred to in regulation [2](#);

“**boat-based tourism**”, within the boundaries of the Namibian Islands' Marine Protected Area, excludes any form of landing on any island within the Namibian Islands' Marine Protected Area;

“**guano scraping**” refers to the removal, bagging, weighing and transfer of guano, a substance primarily composed of seabird excrement accumulated in areas where seabirds roost or breed;

“**island-based tourism**” means landing on an island or accessing an island in the Namibian Islands' Marine Protected Area;

“**mariculture**” means the farming of marine organisms;

“**Namibian Islands' Marine Protected Area**” means the Namibian Islands Marine Reserve as declared under Government Notice No. 17 of 16 February 2009; and

“**the Act**” means the Marine Resources Act, 2000 (Act [No. 27 of 2000](#)).

## Part 2 – DELINEATION

### 2. Delineation

- (1) The Namibian Islands' Marine Protected Area includes all islands, rocks, islets, marine resources and marine area as follows-
  - (a) the northern border is constituted by a line drawn from a point just north of Meob Bay at 24°29'10"S, 14°30'00"E, running due east to the high water mark;
  - (b) the southern border constituted by a line drawn from a point south-west of Chamais Bay at 27°57'34"S, 15°28'05"E, running due east to the high water mark;
  - (c) the western border is constituted by a line connecting the list of co-ordinates provided in regulation 3; and
  - (d) the eastern border runs along the high water mark of Namibia's coast-line, between Meob Bay in the north and Chamais Bay in the south of the Protected Area.

## Part 3 – CO-ORDINATES

### 3. Co-ordinates of Namibian Islands' Marine Protected Area

- (1) The following is the all encompassing buffer zone of the Namibian Islands' Marine Protected Area:

[The word "all-encompassing" should be hyphenated in subregulation (1) as it is in the table below.]

<b>All-encompassing buffer zone of the Namibian Islands' Marine Protected Area</b>	<b>Latitude South</b>	<b>Longitude East</b>
North-West corner extends from this point straight east to the high water mark on the coastline	24°29'10"	14°30'00"
Point west of Black Reef	24°33'19"	14°29'15"
Point west of Easter Point	25°17'34"	14°35'29"
Point west of Dolphin Head	25°44'24"	14°39'16"
Point south-west of Douglas Point	26°20'32"	14°44'25"
Point west of Elizabeth Point	26°55'28"	14°55'44"
Point north-west of Van Reenen Bay	27°21'13"	15°04'00"
South-West corner extends from this point straight east to the high water mark on the coastline	27°57'34"	15°28'05"
The eastern border is the high water mark on the coastline opposite the western border		

- (2) The following islands, islets, rocks, line fish sanctuary and rock lobster sanctuary fall within the above buffer zone of the Namibian Islands' Marine Protected Area:

<b>Islands</b>	<b>Latitude S</b>	<b>Longitude E</b>
Hollamsbird Island	24°38'22"	14°31'51"
Mercury Island	25°43' 10"	14°49'58"
Ichaboe Island	26°17'20"	14°56'11"
Seal Island	26°35'45"	15°09'22"
Penguin Island	26°37'00"	15°09'14"
Halifax Island	26°39'04"	15°04'47"
Possession Island	27°00'45"	15°11'37"
Pomona Island	27°11'37"	15°15'28"
Plumpudding island	27°38'30"	15°30'49"
Sinclair Island	27°39'55"	15°31'13"
<b>Islets and Rocks</b>		
Neglectus Islet	26°08'11"	14°56'46"
Disused jetty in Hottentot Bay	26°08'30"	14°56'44"
Unnamed rock (near Danger Point)	26°14'45"	14°57'16"
Marshall Rocks	26°21'21"	14°58'46"
Boat Bay Rocks	26°25'6"	15°05'24"
Dumfudgeon Rocks	26°29'34"	15°07'01"
Ladies Rocks (N Rock)	26°51'26"	15°09 10"
Ladies Rocks (S Rock)	26°51'37"	15°09'11"

Long Island - North	26°49'10"	15°07'30"
Long Island - South	26°49'54"	15°07'41"
Albatross Rock	27°07'08"	15°14'17"
<b>line fish sanctuary</b>		
North-West corner of sanctuary (Northern border extends from this point straight east to the high water mark on the coastline)	24°29'10"	14°30'00"
Point west of Black Reef	24°33'19"	14°29'15"
Point west of Black Rock	24°57'23"	14°42'25"
South-West corner of sanctuary (Southern border off Sylvia Hill extends from this point straight east to the high water mark on the coastline)	25°09'57"	14°44'02"
<b>Rock lobster sanctuary</b>		
North-West corner of sanctuary (Northern border extends from this point straight east to the high water mark on the coastline)	27°03'43"	15°11'56"
Point west of Prinzenbucht	27°06'33"	15°12'44"
Point west of Pomona	27°12'02"	15°13'25"
Point west of Van Reenen Bay	27°24'42"	15°19'25"
Point west of Baker's Bay	27°40'17"	15°27'00"
SW corner of sanctuary (Southern border off Chamais Bay extends from this point)	27°55'52"	15°38'15"

straight east to the high water mark on the coastline)		
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## Part 4 – ZONATIONS

### 4. Zonations

- (1) The Namibian Islands' Marine Protected Area consists of an all encompassing buffer zone, further sub-zoned into four degrees of increasing protection. The approved conditions enforceable in each zone are contained in the management zonations for the Namibian Islands' Marine Protected Area.

[The word “all-encompassing” should be hyphenated.]

- (2) Zone 1 represents the buffer zone with generalized and fewest restrictions, applicable to all islands, islets, rocks and areas specifically mentioned, as stipulated in Part 6.
- (3) Enforceable conditions for Zone 2 apply to near-shore and on-shore mining areas up to a water depth of 30 m.
- (4) Zone 3 restrictions are enforceable to a perimeter of 120 m (or less in specified cases in the approved management zonations) around each island, islet or rock.
- (5) Zone 4 represents areas of priority conservation and highest protection status and is in force on the islands, islets, rocks, rock lobster sanctuaries and line fish sanctuaries.

## Part 5 – RESTRICTIONS AND PROHIBITIONS IN THE BUFFER ZONE OF NAMIBIAN ISLANDS' MARINE PROTECTED AREA

### 5. Restricted harvesting of silver kob (kabeljou) and steenbras

A person may not, for recreational or commercial purposes, harvest silver kob (kabeljou) and steenbras by means of long-lines or line fishing in the line fish sanctuary area from Meob Bay to Sylvia Hill between the high water mark and six nautical miles offshore as indicated by the following co-ordinates:

At Meob Bay	24°29'10”S	14°30'00”E
Point west of Black Reef	24°33'19”S	14°29'15”E
Point west of Black Rock	24°57'23”S	14°42'25”E
At Sylvia Hill	25°09'57”S	14°44'02”E

### 6. Sylvia Hill

- (1) A person is not permitted to enter the caves at Sylvia Hill, except a staff member of the Ministry of Fisheries and Marine Resources or the Ministry of Environment and Tourism, who has been issued with a permit by that Ministry of Fisheries and Marine Resources.
- (2) Commercial rock lobster fishing is prohibited within the polygon defined by the following co-ordinates:

25°08'15.45"S	14°50'51.35"E
25°08'15.20"S	14°50'55.60"E
25°08'17.60"S	14°50'51.35"E
25°08'13.00"S	14°50'52.10"E

### 7. Rock lobster sanctuary between Prince of Wales Bay (otherwise referred to as Prinzenbucht) and Chamais Bay

Fishing for rock lobster for commercial purposes is prohibited in the shallow areas within the polygon defined by the following co-ordinates:

North-West corner of sanctuary (Northern border extends from this point straight east to the high water mark on the coastline)	27°03'43"S	15°11'56"E
Point west of Prinzenbucht	27°06'33"S	15°12'44"E
Point west of Pomona	27°12'02"S	15°13'25"E
Point west of Van Reenen Bay	27°24'42"S	15°19'25"E
Point west of Baker's Bay	27°40'17"S	15°27'00"E
SW corner of sanctuary (Southern border off Chamais Bay extends from this point straight east to the high water mark on the coastline)	27°55'52"S	15°38'15"E

### 8. Prohibition on purse seining

Purse seining activities may not be undertaken in the Namibian Islands' Marine Protected Area.

### 9. Prohibition on trawling

Trawling activities may not be undertaken in the Namibian Islands' Marine Protected Area.

### 10. Prohibition on long lining

Long lining activities may not be undertaken in the Namibian Islands' Marine Protected Area.

## 11. Prohibition on kelp-cutting and harvesting of live kelp

- (1) A person may not cut or harvest live kelp in the Namibian Islands' Marine Protected Area.
- (2) Where the cutting of kelp is considered necessary, this will only be allowed if a permit has been granted, after an application has been submitted to the regional office of the Ministry of Fisheries and Marine Resources in accordance with Annexure A.
- (3) A kelp cutting permit referred to in subregulation (2) must be issued by the Minister of Fisheries and Marine Resources or by a person or authority authorised by the Minister in writing.
- (4) The Minister or a person or authority authorised by the Minister in writing may-
  - (a) refuse the application;
  - (b) grant the application and issue a permit; or
  - (c) grant the application and issue a permit subject to certain conditions which the Minister or a person or authority authorised by the Minister considers necessary.
- (5) The Minister or a person or authority authorised under subregulation (3) to issue kelp cutting permits must maintain records of the permits issued and the payments received for the issuing and must file reports in the manner required by the Permanent Secretary.
- (6) Applications for a kelp-cutting permit are considered on a case by case basis.

## 12. Prohibited harvesting of inter-tidal species for commercial purposes

- (1) A person may not for commercial purposes harvest any living inter-tidal or benthic species in the inter-tidal zone in areas shallower than 1 meter below the low water mark in the Namibian Islands' Marine Protected Area.
- (2) The inter-tidal and benthic species include but are not limited to the following:

<b>Species</b>		
<b>Common name</b>	<b>Scientific name</b>	<b>Comment</b>
Limpets:	<i>Scutella argenvillei</i>	
	<i>Scutella granularis</i>	
	<i>Scutella granatina</i>	
	<i>Siphonaria</i> spp.	
	<i>Helcion</i> spp.	
Gastropods	<i>Oxysteles</i> spp.	
	<i>Argobuccinum pustulosum</i>	
Mussels	<i>Perna perna</i>	
	<i>Choromytilus meridionalis</i>	
	<i>Semimytilus algosus</i>	
	<i>Aulocomya ater</i>	
	<i>Mytilus galloprovincialis</i>	
Barnacles	<i>Austrorhombalanus cylindricus</i>	
White mussels	<i>Donax serra</i>	
	<i>Venerupis corrugatus</i>	
Red bait	<i>Pyura stolonifera</i>	
Marine worms	All species	Include all polychaete species
Reefworm	<i>Gunnarea capensis</i>	

Mussel worm	<i>Pseudonereis variegatus</i>	
Sea urchins	<i>Parechinus angulosus</i>	
Starfish	<i>Marthasterias glacialis</i>	
	<i>Patira granifera</i>	
	<i>Henricia ornata</i>	
Sea cucumbers	<i>Roweia frauenfeldii</i>	
	<i>Pentacta doliolum</i>	
	<i>Thyone aurea</i>	
<b>Plants: Seaweeds</b>		
Kelp	<i>Ecklonia maxima</i>	
Kelp	<i>Laminaria sp.</i>	
Sea lettuce	<i>Ulva spp.</i>	
Seaweed	<i>Porphyra capensis</i>	

- (3) A person may not, for commercial purposes, harvest the following fish species in the Namibian Islands' Marine Protected Area:

<b>Species</b>	
<b>Common name</b>	<b>Scientific name</b>
Silver kob	<i>Argyrosomus inodorus</i>
West Coast steenbras	<i>Lithognathus aureti</i>
Galjoen	<i>Dichistius capensis</i>
White stumpnose	<i>Rhabdosargus globiceps</i>
Bronze whaler	<i>Brachyurus carcharhinus</i>
Spotted gullyshark	<i>Triakis megalopterus</i>
Sandshark	<i>Rhinobatos annulatus</i>
Houndshark	<i>Mustelus mustelus</i>
Cow shark	<i>Notorynchus cepedianus</i>
Brown ray	<i>Raja miraletus</i>
Biscuit skate	<i>Raja straeleni</i>
Blue stingray	<i>Dasyatis chrysonota</i>
Eagle ray	<i>Myliobatis aquila</i>
Bull ray	<i>Pteromylaeus bovinus</i>
Barbel	<i>Galeichthys feliceps</i>
dark shyshark	<i>Haploblepharus pictus</i>

- (4) A maximum limit of 100kg of gurnard (triglidae) per rock lobster vessel may be fished during the rock lobster season of January to April of each year, provided the following requirements are met-
- (a) this catch may only be used for immediate bait use for the rock-lobster fishery;
  - (b) only hand lines may be used to fish this gurnard (triglidae); and

- (c) special permission is obtained from the Permanent Secretary as required by section [51\(3\)](#) of the Act.

### 13. Obstruction of cetacean pathways prohibited

A person may not conduct marine operations, erect structures, fixed moorings or lines that obstruct any known cetacean pathways in the Namibian Islands' Marine Protected Area.

### 14. Prohibition of underwater blasting and underwater explosions

- (1) Underwater blasting or underwater explosions are not permitted in the Namibian Islands' Marine Protected Area, unless the person or entity conducting the underwater blasting or under water explosions is in possession of a valid permit obtained from a regional office of the Ministry of Fisheries and Marine Resources as indicated in Annexure B.
- (2) Underwater blasting or underwater explosions are not permitted in the Namibian Islands' Marine Protected Area if they result in the commission of the offences created in section [52\(4\)\(d\)-\(f\)](#) of the Act.
- (3) In the following mining license areas, according to the co-ordinates below, no more than 1% of the total marine area of mining licenses (ML) 128A, 128B, 128C, 43, 44 and 45 may be mined per annum. The Coordinate System WGS84 Geographical has been used below:

ML 128A	Latitude	Longitude
128A1	-26 40 00.84796	14 59 08.78911
128A2	-26 39 54.68089	15 01 30.46299
128A3	-26 48 29.01831	15 04 12.81426
128A4	-26 49 02.49552	15 04 05.91259
128A5	-26 49 52.14220	15 04 09.24239
128A6	-26 50 04.52586	15 03 58.73598
128A7	-26 50 57.96250	15 01 41.93570

<b>ML 128B</b>	<b>Latitude</b>	<b>Longitude</b>
128B1	-26 53 26.72289	15 02 57.59716
128B2	-26 53 11.70708	15 03 57.43839
128B3	-26 52 27.47146	15 05 05.05753
128B4	-26 52 19.98416	15 05 12.12413
128B5	-26 52 53.06637	15 06 03.17840
128B6	-26 55 14.80118	15 05 53.34077
128B7	-26 57 58.76939	15 09 02.55660
128B8	-26 58 03.30518	15 07 58.30468
128B9	-26 58 57.61019	15 04 50.60520
128B10	-26 53 26.68999	15 02 57.56138

<b>ML 128C</b>	<b>Latitude</b>	<b>Longitude</b>
128C1	-271347.29874	15 09 33.65128
128C2	-27 13 06.82652	15 12 26.33036
128C3	-27 20 23.15681	15 15 04.06361
128C4	-27 28 33.90481	15 20 40.92864
128C5	-27 38 09.85606	15 27 26.11070
128C6	-27 39 06.97980	15 27 28.57346
128C7	-27 40 42.62408	15 25 29.06133
128C8	-27 40 32.09469	15 27 51.01566
128C9	-27 41 46.06270	15 28 31.60992
128C10	-27 42 47.32485	15 28 45.08406
128C11	-27 43 00.18399	15 28 50.07725
128C12	-27 46 05.05469	15 29 45.17839
128C13	-27 51 33.04953	15 35 40.92883
128C14	-27 59 56.96610	15 38 55.33039
128C15	-28 01 46.63850	15 37 09.27637
128C16	-27 40 54.26938	15 25 05.65905
128C17	-27 29 07.28132	15 18 19.17538

<b>ML 43 in Mining Area (MA) 1</b>	<b>Latitude</b>	<b>Longitude</b>
MA11	-28 40 20.24925	1624 17.12621
MA12	-27 59 58.34112	15 38 55.38181
MA13	-27 51 34.41351	15 35 40.98374
MA14	-27 46 06.40625	15 29 45.19211
MA15	-27 41 47.41463	15 28 31.49963
MA16	-27 40 32.10779	15 27 51.01661
MA17	-27 40 27.12926	15 28 57.84522
MA18	-27 40 20.52640	15 30 23.79858
MA19	-27 40 13.75087	15 30 48.22887
MA110	-27 40 05.79475	15 31 15.33816
MA111	-27 40 04.22492	15 31 19.84070
MA112	-27 40 01.18885	15 31 23.76317
MA113	-27 40 00.00088	15 31 25.21322
MA114	-27 39 56.76178	15 31 25.32571
MA115	-27 39 52.91140	15 3123.79310
MA116	-27 39 48.69018	15 31 23.30593
MA117	-27 39 45.33227	15 31 23.85194
MA118	-27 39 29.47060	15 31 25.29408
MA119	-27 39 24.22384	15 31 21.93090

MA120	-27 39 20.97500	15 31 18.54057
MA121	-27 38 47.75461	15 31 42.71006
MA122	-27 39 09.87155	15 35 16.54508
MA123	-27 39 35.89181	15 38 36.23357
MA124	-27 39 57.12567	15 40 36.19745
MA125	-27 40 36.67007	15 44 07.53723
MA126	-27 50 35.70905	15 50 56.42108
MA127	-27 52 56.18670	15 52 42.83280
MA128	-27 53 42.56292	15 54 42.60042
MA129	-27 54 20.23263	15 56 12.41113
MA130	-27 54 10.29377	15 56 44.52961
MA131	-28 05 40.85962	16 11 52.77421
MA132	-28 13 20.03322	16 28 17.27769
MA133	-28 20 03.72344	16 29 00.24352
MA134	-28 30 21.90177	16 36 59.88366
MA135	-28 38 13.10171	16 27 24.95931

<b>ML 44 at Bogenfels (BF)</b>	<b>Latitude</b>	<b>Longitude</b>
BF1	-27 39 09.87092	15 35 16.54507
BF2	-27 38 47.75465	15 31 42.70990
BF3	-27 39 20.97487	15 31 18.54045
BF4	-27 39 15.42951	15 31 09.00295
BF5	-27 39 12.93535	15 31 03.57746
BF6	-27 39 09.16343	15 31 02.86251
BF7	-27 39 05.90983	15 31 04.19011
BF8	-27 39 01.02221	15 31 05.50196
BF9	-27 38 57.25747	15 31 06.25398
BF10	-27 38 51.60713	15 31 07.37649
BF11	-27 38 43.60588	15 31 08.28723
BF12	-27 38 33.35882	15 31 05.90419
BF13	-27 38 15.41166	15 30 55.09554
BF14	-27 38 08.98931	15 30 48.90082
BF15	-27 38 06.27283	15 30 42.91322
BF16	-27 38 04.77137	15 30 34.25067
BF17	-27 38 01.52244	15 30 17.44551
BF18	-27 38 07.30153	15 29 34.16359
BF19	-27 38 17.87228	15 28 54.51958
BF20	-27 38 29.84611	15 28 14.91261

BF21	-27 39 06.97720	15 27 28.58253
BF22	-27 38 11.19493	15 27 26.15649
BF23	-27 28 35.24522	15 20 40.95999
BF24	-27 20 24.50846	15 15 04.07137
BF25	-27 13 06.59171	15 12 26.36903
BF26	-27 1251.61288	15 13 17.42819
BF27	-27 12 11.61593	15 14 47.43063
BF28	-27 11 58.39258	15 15 23.26718
BF29	-27 11 54.93784	15 15 30.43386
BF30	-27 11 51.90008	15 15 36.60039
BF31	-27 11 45.86354	15 15 36.28263
BF32	-27 11 43.00425	15 15 35.89123
BF33	-27 11 38.15248	15 15 35.63182
BF34	-27 11 34.35407	15 15 33.75662
BF35	-27 11 30.49164	15 15 32.41610
BF36	-27 11 22.78164	15 15 31.18700
BF37	-27 11 14.35191	15 15 25.58207
BF38	-27 11 00.44494	15 15 10.92539
BF39	-27 10 21.62238	15 13 47.42964
BF40	-27 10 01.62300	15 12 17.42728
BF41	-27 09 11.62646	15 13 37.42952

BF42	-27 08 20.63250	15 14 12.57505
BF43	-27 07 48.18171	15 1435.58420
BF44	-27 08 03.62381	15 16 05.73926
BF45	-27 08 12.73384	15 17 46.11760
BF46	-27 08 28.26023	15 20 12.78389
BF47	-27 08 42.02636	15 22 19.46786
BF48	-27 08 43.76853	15 25 13.67423
BF49	-27 07 57.94989	15 29 47.85047
BF50	-27 09 46.44476	15 30 02.27323
BF51	-27 14 29.08337	15 33 21.83063
BF52	-27 15 41.94375	15 34 30.29319
BF53	-27 18 01.35376	15 36 29.47922
BF54	-27 19 59.03172	15 38 57.94483
BF55	-27 23 46.91180	15 39 57.94262
BF56	-27 30 15.88100	15 41 23.45280
BF57	-27 40 36.67002	15 44 07.53712
BF58	-27 39 57.12581	15 40 36.19738
BF59	-27 39 35.89194	15 38 36.23333

<b>ML 45 at Elizabeth Bay (EB)</b>	<b>Latitude</b>	<b>Longitude</b>
EB1	-26 44 11.85164	15 06 27.66960
EB2	-26 44 09.02081	15 06 33.42817
EB3	-26 43 58.32127	15 06 54.92908
EB4	-26 43 26.42383	15 07 36.03005
EB5	-26 43 11.52465	15 07 48.13067
EB6	-26 42 11.52880	15 08 22.33170
EB7	-26 41 24.23206	15 09 21.43389
EB8	-26 40 54.43416	15 09 39.93441
EB9	-26 40 43.13486	15 09 49.33493
EB10	-26 40 30.63582	15 09 57.03479
EB11	-26 40 26.63604	15 10 00.13537
EB12	-26 40 21.13633	15 09 59.73497
EB13	-26 40 09.33721	15 09 54.53499
EB14	-26 40 02.73629	15 09 56.13553
EB15	-26 39 48.23847	15 09 57.83526
EB16	-26 39 42.40617	15 09 58.42857
EB17	-26 39 36.45311	15 10 00.30400
EB18	-26 39 30.49507	15 1039.75408
EB19	-26 39 36.93146	15 10 55.07161
EB20	-26 40 18.86382	15 12 11.58526

EB21	-26 40 53.42994	15 13 10.77429
EB22	-26 40 51.30467	15 14 14.78152
EB23	-26 42 06.82980	15 17 41.22445
EB24	-26 42 22.90753	15 18 35.65762
EB25	-26 43 40.72253	15 20 39.47897
EB26	-26 45 37.85148	15 21 05.80449
EB27	-26 47 42.62881	15 21 51.81671
EB28	-26 51 40.76195	15 25 39.09569
EB29	-26 55 26.8 1241	15 26 12.92748
EB30	-27 01 00.62802	15 24 06.87429
EB31	-27 03 52.23875	15 26 52.43340
EB32	-27 07 57.94989	15 29 47.85047
EB33	-27 08 43.76853	15 25 13.67423
EB34	-27 08 42.02636	15 22 19.46786
EB35	-27 08 28.26023	15 20 12.78426
EB36	-27 08 12.73384	15 17 46.11760
EB37	-27 08 03.62381	15 16 05.73926
EB38	-27 07 48.18171	15 14 35.58420
EB39	-27 07 42.12509	15 14 39.47823
EB40	-27 07 20.02577	15 14 43.56771
EB41	-27 07 12.64427	15 14 42.57525

EB42	-27 06 56.54655	15 14 39.30189
EB43	-27 06 39.69294	15 14 34.42751
EB44	-27 06 25.86924	15 14 28.79619
EB45	-27 05 31.64081	15 13 07.43069
EB46	-27 05 31.65110	15 11 22.60195
EB47	-27 04 42.84411	15 11 02.51215
EB48	-27 04 11.64540	15 11 27.42855
EB49	-27 02 43.03823	15 12 45.08114
EB50	-27 01 51.02442	15 13 02.35495
EB51	-27 01 32.75475	15 13 05.24820
EB52	-27 01 11.65139	15 12 58.81402
EB53	-26 59 42.40883	15 12 45.27342
EB54	-26 58 15.51386	15 12 21.42585
EB55	-26 57 38.16831	15 11 35.23654
EB56	-26 57 51.66892	15 10 07.42859
EB57	-26 57 58.77297	15 09 02.55319
EB58	-26 55 16.11987	15 05 53.35628
EB59	-26 52 54.39558	15 06 03.17676
EB60	-26 52 19.97690	15 05 12.13446
EB61	-26 51 41.69148	15 06 07.42462
EB62	-26 50 31.69628	15 07 37.42416

EB63	-26 50 08.77784	15 07 58.64228
EB64	-26 50 01.71010	15 07 56.54609
EB65	-26 49 57.46744	15 07 53.75643
EB66	-26 49 49.16507	15 07 49.49757
EB67	-26 49 45.94440	15 07 47.90871
EB68	-26 49 34.26254	15 07 44.78017
EB69	-26 49 25.22756	15 07 46.08885
EB70	-26 49 19.16511	15 07 45.68107
EB71	-26 49 12.64214	15 07 43.63125
EB72	-26 49 03.53408	15 07 39.52534
EB73	-26 48 57.01978	15 07 32.81997
EB74	-26 48 53.71076	15 07 28.93119
EB75	-26 48 55.00809	15 07 23.78985
EB76	-26 49 01.70207	15 06 57.42706
EB77	-26 49 31.70003	15 05 17.42401
EB78	-26 49 52.15529	15 04 09.24613
EB79	-26 49 03.80345	15 04 05.92686
EB80	-26 48 28.94976	15 04 12.31718
EB81	-26 39 54.67719	15 01 30.45690
EB82	-26 39 51.73605	15 02 37.42333
EB83	-26 39 41.73741	15 03 27.42490

EB84	-26 39 19.56147	15 04 45.59238
EB85	-26 39 18.82020	15 04 47.56698
EB86	-26 39 17.94191	15 04 51.08518
EB87	-26 39 14.74940	15 04 53.70348
EB88	-26 39 08.48516	15 04 56.77336
EB89	-26 39 06.35751	15 05 00.81667
EB90	-26 38 55.02935	15 05 09.35637
EB91	-26 38 49.47520	15 05 06.65624
EB92	-26 38 39.96513	15 04 58.47361
EB93	-26 38 17.11203	15 04 37.60116
EB94	-26 38 01.74354	15 04 17.39006
EB95	-26 37 56.64743	15 04 04.29236
EB96	-26 37 56.59795	15 05 32.17806

## **Part 6 – RESTRICTIONS AND PROHIBITIONS IN ZONE 1 OF NAMIBIAN ISLANDS' MARINE PROTECTED AREA**

### **15. Zone 1 restrictions**

- (1) Prospecting and mining on islands referred to in regulation 4 is prohibited.
- (2) Anchoring on islands, islets and rocks referred to in regulation 4 is prohibited.
- (3) The following is prohibited on islands in Part 9 within the polygon defined by the co-ordinates-
  - (a) access by vessels with a size of more than 500 Gross Registered Tonnage (GRT); and
  - (b) mining and any form of dumping on rocky outcrop areas is prohibited, except for in the unconsolidated sediment (sandy) areas.
- (4) An over-flight restriction of a minimum altitude of 3000 feet/1000 meters, within a radius of one nautical mile measured from each islands' low water mark applies in the Namibian Islands' Marine Protected Area, except in the case of a medical emergency and for research purposes.

- (5) Over-flight restrictions of a minimum altitude of 3000 feet/1000 meters apply to Sylvia Hill, Oyster Cliffs, Spencer Bay, Van Reenen Bay, Wolf Atlas Bay and Bakers Bay on the mainland of the Namibian Islands' Marine Protected Area, except for Diaz Point provided Diaz Point is only approached from the North by air.
- (6) Commercial harvesting of seals on all islands in the Namibian Islands' Marine Protected Area is prohibited.

### **Part 7 – ACCESS TO ISLANDS, ISLETS AND ROCKS WITHIN NAMIBIAN ISLANDS' MARINE PROTECTED AREA**

#### **16. Prohibition on access to islands, islets and rocks**

A person may not land on or access any island, islet or rock in the Namibian Islands' Marine Protected Area unless the person is in possession of a valid permit obtained from the regional office of the Ministry of Fisheries and Marine Resources in Lüderitz as contained in Annexure C.

### **Part 8 – RESTRICTIONS AND PROHIBITIONS IN ZONE 2 OF NAMIBIAN ISLANDS' MARINE PROTECTED AREA**

#### **17. Zone 2 restrictions**

- (1) Only minimal mining processing plant discharge is allowed between Prince of Wales Bay and Chamais Bay provided that settling pond systems are being implemented in order to minimize the mining processing plant discharge.
- (2) Any sediment buildup that forms land bridges to any island in the Namibian Islands' Marine Protected Area must be monitored and remedial action must prevent the formation of the land bridges to the islands.

**[The word “build-up” should be hyphenated.]**

- (3) No more than two active mining sites using sea walls may operate simultaneously.
- (4) Processing plant discharge points into the sea and onto the beach must be minimized with the development of any new mining activities in the Namibian Islands' Marine Protected Area.

### **Part 9 – RESTRICTIONS AND PROHIBITIONS IN ZONE 3 AND ZONE 4 OF NAMIBIAN ISLANDS' MARINE PROTECTED AREA**

#### **18. Hollamsbird Island**

- (1) A person may not access or land on Hollamsbird Island unless the person is in possession of a valid permit obtained from the regional office of the Ministry of Fisheries and Marine Resources as contained in Annexure C.
- (2) The commercial harvesting of seals on Hollamsbird Island is prohibited.
- (3) Crafts are not permitted within the polygon as defined by the following coordinates, except for research and patrol craft of the Ministry of Fisheries and Marine Resource:

24°38'16.08"S	14°31'46.92"E
24°38'17.16"S	14°31'58.08"E
24°38'26.88"S	14°31'47.64"E
24°38'25.44"S	14°31'58.80"E

## 19. Mercury Island

- (1) A person may not access or land on Mercury Island unless the person is in possession of a valid permit obtained from the regional office of the Ministry of Fisheries and Marine Resources in Lüderitz as contained in Annexure C.
- (2) Guano scraping for commercial purposes on Mercury Island is prohibited.
- (3) The following is prohibited around Mercury Island, according to the polygon defined by the co-ordinates indicated below:

25°42'57.20"S	14°49'54.00"E
25°43'00.25"S	14°50'05.60"E
25°43'15.70"S	14°50'04.00"E
25°43'22.80"S	14°49'57.90"E
25°43'20.45"S	14°49'51.10"E

- (a) all anchorage within this polygon around Mercury Island, except for the Ministry of Fisheries and Marine Resources research or patrol crafts and vessels appointed by Ministry of Fisheries and Marine Resources to undertake island infrastructure maintenance; and
  - (b) mining and any form of dumping on rocky outcrop areas is prohibited, except in the unconsolidated sediment (sandy) areas in Zone 3.
- (4) Commercial fishing for rock-lobster is restricted to 50 meters sea-wards of the low water mark and is prohibited within the polygon defined by following co-ordinates:

25°43'0.70"S	14°49'56.51"E
25°43'0.75"S	14°50'2.66"E
25°43'12.32"S	14°50'2.39"E
25°43'20.57"S	14°49'56.62"E
25°43'20.35"S	14°49'53.67"E
25°43'7.92"S	14°49'54.38"E

- (5) All fishing gear must be removed from the marine area once fishing activities have ceased as required by regulation [23\(1\)](#) of the Exploitation of Marine Resources Regulations made under Government Notice 241 of 7 December 2001 and section [49\(2\)](#) of the Act.
- (6) Mariculture operations are only permitted outside the Zone 3 co-ordinates indicated in subregulation [\(4\)](#) and such operations may not obstruct the free movement or passage of whales, dolphins, African Penguins and other protected species moving through Spencer Bay around Mercury Island.

## 20. Neglectus Islet

A person may not access or land on Neglectus Island unless the person is in possession of a valid permit obtained from the regional office of the Ministry of Fisheries and Marine Resources in Lüderitz as contained in Annexure C.

## 21. Hottentot Bay

A maximum limit of 100 kg of gurnard (triglidae) per rock lobster vessel may be fished during the rocklobster season of January to April of each year provided the following requirements are met-

- this catch may only be used for immediate bait use for the rock lobster fishery;
- only hand-lines may be used to fish this gurnard (triglidae); and
- special permission is obtained from the Permanent Secretary as required by section [51\(3\)](#) of the Act.

## 22. Disused Jetty in Hottentot Bay

- (1) A person may not access or land on the disused jetty with co-ordinates as follows:

Disused Jetty Hottentot Bay (50m)	26°08'27.60"S	14°56'45.00"E
	26°08'29.20"S	14°56'47.35"E

- (2) A person may not approach the jetty from the sea-side direction beyond a minimum distance of 50 meters radius, measured by a line drawn from the indicated co-ordinates parallel to the jetty and to the high water mark of the coastline, according to the polygon defined by the co-ordinates in subregulation (1).

### 23. Islet north of Danger Point

- (1) A person may not access or land on the islet rock north of Danger Point at 26°14'45"S, 14°57'16"E unless the person is in possession of a valid permit obtained from the regional office of the Ministry of Fisheries and Marine Resources in Lüderitz as contained in Annexure C.
- (2) Crafts may not approach the islet within a distance closer 50 meters according to the polygon defined by the following co-ordinate, except for commercial rock lobster dinghies, patrol and research craft of the Ministry of Fisheries and Marine Resources:

26°14'38.90"S	14°57'16.00"E
26°14'39.00"S	14°57'16.50"E
26°14'46.19"S	14°57'20.00"E
26°14'49.80"S	14°57'15.00"E
26°14'46.70"S	14°57'10.80"E

### 24. Ichaboe Island

- (1) A person may not access or land on Ichaboe Island unless the person is in possession of a valid permit obtained from the regional office of the Ministry of Fisheries and Marine Resources in Lüderitz as contained in Annexure C.
- (2) All mining processing plants and any other processing plants on the island are prohibited.
- (3) Guano scraping is permitted provided strict management guidelines issued by the regional office of the Ministry of Fisheries and Marine Resources in Lüderitz are adhered to.
- (4) Guano scraping activities may not take place within the Namibian Islands' Marine Reserve beyond the expiry date of existing guano rights in 2016.

- (5) The following are prohibited within the polygon defined by the following coordinates-

Ichaboe Island	26°17'08.50"S	14°56'11.00"E
	26°17'15.00"S	14°56'22.00"E
	26°17'33.00"S	14°56'13.00"E
	26°17'23.70"S	14°55'55.00"E

- (a) mining and any form of dumping on rocky outcrop areas, except in the unconsolidated sediment (sandy) areas in Zone 3;
- (b) a vessel with a size of more than 500 Gross Registered Tonnage (GRT) in Zone 3;
- (c) tourism activities except outside Zone 3 subject to the condition that the activities remain boat-based;
- (d) all anchorage within Zone 3 around Ichaboe Island, except for the following-
- (i) such anchorage is only permitted in the demarcated corridor on either side of the main northern jetty; and
  - (ii) such anchorage is only permitted by research and patrol craft of the Ministry of Fisheries and Marine Resources, vessels appointed by the Ministry of Fisheries and Marine Resources to undertake maintenance of island infrastructure and mining vessels that have a gross registered tonnage of less than 500 GRT;
- (e) crafts access in Zone 3 of Ichaboe Island, except research and patrol craft of the Ministry of Fisheries and Marine Resources provided such access is limited to the open corridor alongside the jetty;
- (f) rock lobster boat anchoring inside the rock lobster sanctuary overnight during the commercial rock lobster season; and
- (g) anchorage during the day, without a permit except outside Zone 3 and during the commercial rock-lobster season, provided the craft does not have lobster and fishing gear such as traps and ring nets onboard.
- (6) mariculture activities may only take place by boat-based ranching or diving.

## 25. Staple Rock, Marshall Rock, Boat Bay Rock and Dumfudgeon Rock

A person may not access or land on Staple Rock, Marshall Rock, Boat Bay Rock Dumfudgeon Rock unless the person is in possession of a valid permit obtained from the regional office of the Ministry of Fisheries and Marine Resources in Lüderitz as contained in Annexure C.

## 26. Penguin Island and Seal Island

- (1) The colonies of bank cormorants (*phalacrocorax capensis*) may not be included in guano scraping activities.
- (2) A person may not access, land or enter the area on Penguin or Seal Island demarcated by the polygon as defined by the following co-ordinates:

Seal Island	26°35'27.11"S	15°09'20.49"E
	26°35'29.63"S	15°09'19.92"E
	26°35'29.87"S	15°09'18'58"E
	26°35'28.61"S	15°09'16.16"E
	26°35'29.40"S	15°09'14.93"E
Penguin Island	26°37'08.50"S	15°09'08.20"E
	26°37'15.05"S	15°09'10.40"E
	26°37'17.60"S	15°09'10.30"E
	26°37'19.40"S	15°09'13.30"E
	26°37'19.15"S	15°09'17.65"E

- (3) Tourism activities are subject to the following strict conditions-
- (a) boat-based tourism is to remain outside of the polygon defined by the co-ordinates in subregulation (2).
  - (b) future access to the island must be considered if further structures are not erected on Penguin or Seal Island and that access is subject to further restrictions such as seasonal limits, limitations on the number of visitors allowed restricted to guided tours and that bird-breeding sites are not accessed or visited; and
  - (c) such access is conditional on the possession of a valid permit issued by the Ministry of Fisheries and Marine Resources in Lüderitz as contained in Annexure C.
- (4) Island-based tourism is only permitted if issued by the Ministry of Fisheries and Marine Resources as a concession and is limited to Penguin and Seal Islands only.

## 27. Halifax Island

- (1) A person may not access or land on Halifax Island unless the person is in possession of a valid permit obtained from the regional office of the Ministry of Fisheries and Marine Resources in Lüderitz as contained in Annexure C.
- (2) Guano scraping on Halifax Island is prohibited.
- (3) Fishing for rock lobster for recreational and commercial purposes around Halifax Island is prohibited within the polygon defined by the following co-ordinates, with the northern boundary of this exclusion zone extending from the first two co-ordinates to a point straight west and the southern border extending from the latter two co-ordinates to a point straight west.

26°38'07.29"S	15°05'17.76"E
26°39'12.89"S	15°05'00.08"E

- (4) Moorings, lines or floats in Guano Bay, between Halifax Island and the coast-line are prohibited.
- (5) Aquaculture operations may be conducted provided they do not obstruct the passage of the Heaviside's dolphins and African penguins in Guano Bay.
- (6) Crafts are not permitted within the polygon defined by the following co-ordinates except for research and patrol craft of the Ministry of Fisheries and Marine Resources:

26°38'49.55"S	15°04'44.15"E
26°38'53.95"S	15°04'48.70"E
26°38'58.10"S	15°04'49.80"E
26°38'57.80"S	15°04'53.70"E
26°39'03.15"S	15°04'56.55"E
26°39'06.35"S	15°04'55.50"E
26°39'07.60"S	15°04'52.30"E
26°39'12.30"S	15°04'49.60"E
26°39'11.65"S	15°04'42.80"E
26°39'08.35"S	15°04'39.00"E
26°39'02.25"S	15°04'39.00"E
26°38'59.80"S	15°04'40.95"E
26°38'56.45"S	15°04'39.35"E

- (7) Boat-based tourism is permitted outside of the polygon defined by the above coordinates in accordance with appropriate limitations on the number of boats and other conditions that may be prescribed.

**28. Long Island North and South**

- (1) A person may not access or land on Long Island North and South unless the person is in possession of a valid permit obtained from the regional office of the Ministry of Fisheries and Marine Resources in Lüderitz as contained in Annexure C.
- (2) Guano scraping on Long Island North and South is prohibited.
- (3) Crafts or anchorage are prohibited within the polygon defined by the following coordinates except for research and patrol craft of the Ministry of Fisheries and Marine Resources:

<b>Long Island North (30m)</b>	
26°49'08.47"S	15°07'26.46"E
26°49'06.43"S	15°07'30.84"E
26°49'14.65"S	15°07'27.93"E
26°49'09.35"S	15°07'32.76"E
26°49'26.84"S	15°07'36.84"E
26°49'26.75"S	15°07'33.49"E

<b>Long Island South (30m)</b>	
26°49'55.88"S	15°07'38.86"E
26°49'54.95"S	15°07'40.50"E
26°49'56.25"S	15°07'42.02"E
26°49'59.20"S	15°07'41.94"E
26°50'00.33"S	15°07'40.58"E
26°49'58.71"S	15°07'39.10"E

- (4) Boat-based tourism is permitted outside of the polygon defined by the coordinates in subregulation [\(3\)](#).

## 29. Ladies Rocks north and south

- (1) A person may not access or land on Ladies Rocks unless the person is in possession of a valid permit obtained from the regional office of the Ministry of Fisheries and Marine Resources in Lüderitz as contained in Annexure C.
- (2) Anchorage or crafts are not permitted within the polygon defined by the following co-ordinates except for research and patrol craft of the Ministry of Fisheries and Marine Resources and when safe anchorage is required by mining vessels:

Ladies Rock (north) (30m)	26°51'24.75"S	15°09'11.30"E
	26°51'27.05"S	15°09'13.00"E
	26°51'29.15"S	15°09'10.80"E
	26°51'26.50"S	15°09'08.60"E
Ladies Rock (south) (30m)	26°51'40.00"S	15°09'09.30"E
	26°51'37.15"S	15°09'09.50"E
	26°51'34.75"S	15°09'12.00"E
	26°51'36.20"S	15°09'14.00"E
	26°51'39.80"S	15°09'12.30"E

## 30. Possession Island

- (1) A person may not access or land on Possession Island unless the person is in possession of a valid permit obtained from the regional office of the Ministry of Fisheries and Marine Resources in Lüderitz as contained in Annexure C.
- (2) Guano scraping on Possession Island is prohibited.

- (3) The following are prohibited within a polygon defined by the following coordinates of Zone 3-

Possession Island (including North Reef) (120m)	26°59'43.90"S	15°11'25.41"E
	26°59'43.75"S	15°11'26.30"E
	27°00'30.45"S	15°11'37.48"E
	27°00'34.20"S	15°11'46.90"E
	27°01'00.85"S	15°12'02.20"E
	27°01'22.05"S	15°12'15.40"E
	27°01'48.40"S	15°12'17.90"E
	27°01'50.55"S	15°11'56.70"E
	27°01'03.40"S	15°11'40.50"E
	27°00'52.65"S	15°11'22.35"E
	27°00'13.00"S	15°11'07.50"E
	26°59'56.35"S	15°11'17.80"E
	26°59'44.50"S	15°11'15.85"E

- (a) anchorage by mining vessels in the Zone 3 of Possession Island, except during diving operations and is not permitted in front of the building settlement on Possession Island;
- (b) boat-based tourism, except outside of the polygon defined by the above co-ordinates; and
- (c) fishing for rock lobster for commercial purposes, except outside the polygon defined by the above co-ordinates.
- (4) Mariculture operations are permitted provided-
- (a) they do not obstruct the passage and breeding areas of the Southern Right Whale; and
- (b) they are done by way of ranching (moorings, lines and floats are prohibited).
- (5) Safe anchorage for vessels is limited to and permitted only in the bay of the southern inshore (coast-wards) side of Possession Island.

**31. Albatross Rock**

- (1) A person may not access or land on Albatross Rock unless the person is in possession of a valid permit obtained from the regional office of the Ministry of Fisheries and Marine Resources in Lüderitz as contained in Annexure C.
- (2) Guano scraping on Albatross Rock is prohibited.
- (3) Tourism activities on Albatross Rock are prohibited.
- (4) Crafts or anchorage within the polygon defined by the following co-ordinates of this Zone 3 are prohibited except for research and patrol craft of the Ministry of Fisheries and Marine Resources:

Albatross Rock	27°06'59.15"S	15°14'15.45"E
	27°06'58.95"S	15°14'17.40"E
	27°07'08.50"S	15°14'19.65"E
	27°07'21.60"S	15°14'19.00"E
	27°07'05.00"S	15°14'12.70"E
	27°07'21.60"S	15°14'16.00"E

- (5) Mariculture may be permitted under strict conditions determined by the Aquaculture Directorate within the Ministry of Fisheries and Marine Resources.

**32. Pomona Island**

- (1) A person may not access or land on Pomona Island unless the person is in possession of a valid permit obtained from the regional office of the Ministry of Fisheries and Marine Resources in Lüderitz as contained in Annexure C.
- (2) Guano scraping on Pomona Island is prohibited.

- (3) The following is prohibited within the polygon defined by the following coordinates around Pomona Island-

Pomona Island	27°11'33.60"S	15°15'30.50"E
	27°11'44.90"S	15°15'33.90"E
	27°11'47.65"S	15°15'30.00"E
	27°11'40.95"S	15°15'25.20"E
	27°11'32.80"S	15°15'19.75"E
	27°11'41.20"S	15°15'20.50"E

- (a) tourism activities; and
- (b) craft or anchorage, except for research and patrol craft of the Ministry of Fisheries and Marine Resources.
- (4) Mariculture may be permitted under strict conditions determined by the Aquaculture Directorate within the Ministry of Fisheries and Marine Resources.

### 33. Plumpudding Island

- (1) A person may not access or land on Plumpudding Island unless the person is in possession of a valid permit obtained from the regional office of the Ministry of Fisheries and Marine Resources in Lüderitz as contained in Annexure C.
- (2) Guano scraping on Plumpudding Island is prohibited.
- (3) Tourism on Plumpudding Island is prohibited.
- (4) Commercial seal harvesting or activities related to the commercial harvesting of seals on Plumpudding Island are prohibited.
- (5) Crafts or anchorage are prohibited within the polygon defined by the following coordinates except for research and patrol craft of the Ministry of Fisheries and Marine Resources:

Plumpudding Island	27°38'29.50"S	15°30'52.45"E
	27°38'35.20"S	15°30'52.60"E
	27°38'34.75"S	15°30'47.25"E
	27°38'28.00"S	15°30'45.00"E
	27°38'25.45"S	15°30'48.45"E

- (6) Mariculture may be permitted under strict conditions determined by the Aquaculture Directorate within the Ministry of Fisheries and Marine Resources.

### 34. Sinclair Island

- (1) A person may not access or land on Sinclair Island unless the person is in possession of a valid permit obtained from the regional office of the Ministry of Fisheries and Marine Resources in Lüderitz as contained in Annexure C.
- (2) Guano scraping on Sinclair Island is prohibited.
- (3) Tourism activities on Sinclair Island are prohibited.
- (4) Commercial seal harvesting or activities related to the commercial harvesting of seals on Sinclair Island are prohibited.
- (5) Crafts or anchorage are prohibited within the polygon defined by the following coordinates except for research and patrol craft of the Ministry of Fisheries and Marine Resources:

Sinclair Island	27°39'49.00"S	15°31'10.00"E
	27°39'49.45"S	15°31'13.45"E
	27°40'00.00"S	15°31'20.00"E
	27°40'02.75"S	15°31'13.40"E
	27°39'53.70"S	15°31'08.00"E

- (6) Mariculture may be permitted under strict conditions determined by the Aquaculture Directorate within the Ministry of Fisheries and Marine Resources.
- (7) Land bridge development is to be monitored and remedial action is to be taken in order to prevent land bridge formation between Sinclair Island and the coast-line.

## Part 10 – OFFENCES AND PENALTIES

### 35. Offences and penalties

- (1) A person who contravenes or fails to comply with any provision of these regulations commits an offence and is liable upon conviction to a fine not exceeding N\$500 000.
- (2) Any fine imposed upon conviction under these regulations is recoverable as if it were a civil judgment as contemplated in sections [52\(5\)](#) and [53](#) of the Act.

### ANNEXURES A - C

#### FORMS

[Editorial note: The forms have not been reproduced.]