

PROPOSED RE-ZONATION OF THE BETTY'S BAY MARINE PROTECTED AREA

MINUTES OF THE STAKEHOLDER PARTICIPATION MEETING

Venue: Crassula Community Hall, Crassula Avenue, Betty's Bay

Date: 27th March 2014

Time: 18:00-20:35

1 Attendance

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2 Welcome and Introduction

Dr Barry Clark opened the public participation meeting by introducing himself and outlining the agenda for the meeting. He explained that comments and recommendations will be received after a 20-30 minute presentation outlining the rationale behind the proposed re-zoning of the Betty's Bay Marine Protected Area (MPA). He also pointed out that Vera Liebau will be capturing all comments made during the meeting. The audience asked whether questions and comments can be asked in Afrikaans. Dr Barry Clark confirmed that this is possible.

3 Presentation

Dr Barry Clark explained that Marine Protected Areas are declared in terms of the Marine Living Resources Act 18 of 1998 and are also recognised under the National Environmental Management Protected Areas Act 57 of 2003 (NEMPAA). No specific requirements for stakeholder consultation

are required in terms of the former act. He emphasised though that we recognise that stakeholder participation is crucial when drafting new regulations such as the re-zoning of the Betty's Bay MPA. Therefore the public participation requirements as set out in section 33 of the NEMPAA were being followed for this process. To this end, a notice of intent to rezone the MPA will be published by the Minister of the Department of Environmental Affairs in the Government Gazette and all interested and affected parties (I&APs) will be invited to submit formal written comment to the Minister within 60 days. Dr Barry Clark explained that we recognise that not everyone reads the *Government Gazette* regularly and therefore this meeting is a precursor to the formal process that will be initiated later this year. He explained that this meeting is intended to provide a more meaningful opportunity for stakeholders to comment.

Please refer to the PowerPoint presentation for the remaining presentation.

4 Stakeholder comments

Dr Barry Clark opened the floor for questions and comments and asked the participants to state their names before providing comment.

Herman Mouton asked several question. First he asked why put an MPA in place if you can't police it? Why close an area where people live and where a lot of people come to visit for recreational purposes?

Dr Barry Clark explained that CapeNature has been trying very hard to control the poaching in the Betty's Bay MPA for a number of years with limited success. One of strategies to try and improve matters is to ban night diving and to require that all prospective divers in the MPA be required to purchase a permit. He explained that he recognised that poachers could also apply for a permit. However, at least this would allow the authorities to capture their address and fine them simply for being in an MPA during closed hours or if they did not have a permit. He answered the second question by saying that people will be affected regardless of where an MPA is proposed as there are few sections of coast where there is no one living. He further argued that it does not make sense and is not equitable and that some forms of fishing in the Betty's Bay area are prohibited while other consumptive activities are allowed. He explained that a similar approach is taken for the Robberg and Goukamma Marine Protected Areas.

Garth Rainer-Pope counter-argued that there are many fewer people living on 4km stretch of coastline up to Rooi-Els to the west of the Betty's Bay MPA . He asked whether this cannot be taken into consideration when proposing a no-take zone in this area.

Dr Barry Clark responded that this area has been considered for the establishment of a new Marine Protected Area. He agreed that less people would be affected. However, he also emphasised that the area as proposed by Garth Rainer-Pope currently has no infrastructure for management and enforcement. He reminded the attendees that the proposed no-take zone is within an existing MPA and in close proximity to the penguin sanctuary at Stony Point which has further conservation infrastructure in place. He said that it is important to consolidate the effort where existing infrastructure can lead to successful enforcement.

Unnamed attendee 1 Explained that he had been fishing on Kogelberg coast for the last 40 years and had only once had his catch inspected. He felt this was disgraceful and indicative of the effort that was put in controlling poaching in this area. He felt there was little point in establishing a no take MPA if there was no enforcement.

Dr Barry Clark agreed and said that he has interviewed many thousands anglers and that shore anglers are asked to produce their permit on average once every 26 years. He argues that this is exactly why we need no-take zones in Marine Protected Areas. It is easier to control a small area such as the 4km proposed in Betty's Bay MPA and ensure that no person removes fish from this area.

Mathew de Villiers Muller Questioned why the core of the marine component of the biosphere reserve was proposed for an area that was so heavily populated (at least the shoreline anyway). He felt that it would be better to select a less populated section of coastline.

Dr Barry Clark compared the terrestrial and coastal biosphere reserve components. He argued that people are not allowed to live in the mountains and that equally, removing marine resources should not be allowed within the core area of a biosphere reserve.

Mathew de Villiers Muller asked where his alternative location for fishing would be located. He emphasised that that he cannot go where the spill-over will occur and that the edges of the MPA are on the rocks. He also said that he is not able to walk 5 km and that there is no access to other sandy beaches. Furthermore, the district municipality closed the road that leads to Hangklip. He said that there are no alternative sites for shore anglers left in the vicinity of Betty's Bay.

Roger Porter said that he is in full support of the proposal of the Marine Protected Area. He said he would like to make a couple of points. Firstly, he said that if he was driving this programme he would have extended the boundaries of the Betty's Bay MPA as the current boundaries of the MPA are insufficient to protect the biodiversity in this area. Secondly, he asked the anglers what each of them was doing about the abalone poaching and how many of the anglers have apprehended poachers themselves. He also asked how many have phoned the helpline. He emphasised that the MPA is there to safeguard the angler's fish stocks so that benefits can be derived in future. He continued by saying that one point was not made in the presentation earlier in the meeting. He said that South Africa is very unique in the world and that critically endangered species depend on protected habitats to prevent extinction. He pointed out that there is an enormous amount of literature available on this topic. He gave the African penguin as an example. While numbers are declining everywhere in South Africa, Betty's Bay is the only colony that is currently increasing in numbers. Also, Betty's Bay is home to colonies of two species of cormorants. He concluded that South Africa is signatory to international conventions to protect and safeguard these species and calls this argument an important justification to close the area Betty's Bay MPA to consumptive uses.

Deon Stevens complained that the only people that are fined are holiday makers and also suggested to move the boundary westward towards Pringle Bay. He said that the African penguin population is clearly not influenced by anglers if the population is on the increase. He concluded that Betty's Bay is a developing town and that it is not right to close the area off to people.

Michael Green counter-argued that research presented by Dr Barry Clark makes it abundantly clear that fishermen will benefit from closing the Betty's Bay MPA to consumptive use. He also argued that he has been involved in real estate (globally) and that he can assure others at the meeting that property prices will not drop if the Betty's Bay MPA was zoned as no-take. He said that on the contrary, he would expect property prices to rise. He also recommended exploring possible incentives for fishermen to catch poachers.

Deon Fontini defended the local community and said that they do report poachers. He said that MPA management should use the resources available in the area. He emphasised that it would be very important for local people to work together with the people that design theoretical protected areas to make them work on the ground. He said that there are a lot of people that want to eliminate poaching in the Betty's Bay area and that these resources should be utilised. He argued that in the end it is the law abiding citizens that suffer from the new regulations and not the poachers which are the people that destroy the environment. He said it would be so important to have lookout points, manned with people with binoculars for reporting. He concluded that he has not seen any towers or lookout points manned with people.

Mr Smit questioned the research that had been presented on Galjoen and argued that the Betty's Bay MPA could not be a good site for breeding as offshore currents that sweep through this area are likely just to wash the fish out. He also argued that perhaps the research that has been done is outdated as he has experienced that galjoen catches have definitely improved since 2006. Other fishermen were in agreement with this comment.

Judian Bruk addressed comments by Mr Porter and Mr Green. He said that both gentlemen had posed the question of what objection there could possibly be to this proposal. Judian Bruk explained that it could be a sense of place that fishermen of Betty's Bay feel with their piece of coastline. It would also be that a fisherman associates his sense of place with a particular rock. He said that fishermen have a relationship with the area that is based on catching fish. He continued and said that closing the Betty's Bay MPA to shore angling is the first step to closing the whole coast. He agreed that ideally we would have most of the coast closed and also said that MPAs do work by protecting resident fish. He closed his statement by saying that he is concerned about how this MPA declaration process is conducted and that once a proposal has been made nothing is changed thereafter and the proposed changes are implemented without input from affected parties. He also pointed out that there was talk of implementing a special management area in the Kogelberg which would be set aside for use by small scale commercial fishers' only.

Derek Moolman agreed with the earlier argument made by Dudley Smith and emphasised that galjoen catches have gone up in the past few years. He also offered to forward his records.

Dr Barry Clark responded that this is very good news and that he felt it was probably attributable to the fact that fishing effort had decreased by around 30% in this area relative to 10 years ago, an observation that was based on survey data.

Derek Moolman disagreed with Dr Barry Clark's argument and said that this information was not accurate.

Deon Fontini re-iterated that the problem is the no fishing zone. He argued that fishermen pay taxes and for their permits and that they have been fishing the area for a very long time.

Unknown speaker commented that they used to catch large numbers of geelbek in the Betty's Bay MPA and when this was closed fishermen struggled to catch geelbek in the Kogelberg area. He felt that it was unfair to close this area as geelbek do not breed here – they breed in the Eastern Cape.

Dr Barry Clark agreed that Geelbek don't breed in the Betty's Bay MPA. However, he argued that the MPA is important to protect the breeding stock from exploitation not just at their breeding location, especially where fish aggregate in large schools. He explained that when the offshore waters become cold, warm water is trapped close to the shore at Betty's Bay, which attracts a huge density of geelbek. When geelbek aggregate at such densities, they become an easy target for fishermen and a large school of breeding stock can be wiped out within a very short period of time. He concluded that for this reason it is very important to protect the remaining fish stocks even if they do not breed in the Betty's Bay area.

Unnamed attendee 2 mentioned that he was a commercial line fishermen and that they had been catching a lot of red steenbras in recent times and that these had to be thrown back in the water even though they were dead as commercial fishers were no longer allowed to keep them. He thought this was very wasteful.

Dr Barry Clark responded that he should put a recommendation to the Minister that Red steenbras numbers have recovered and that research should be directed at this issue.

Dan Bosman said that his question ties to the previous comments. He asked whether MPAs are the only solution and whether other solutions have been considered.

Dr Barry Clark responded that alternative methods for fishery resource management have certainly been researched and implemented. He explained that this included measures such as minimum size limits, bag limits (number of fish caught) and closed seasons and that owing to the fact that these measures are extremely difficult to enforce they have been found to be not very effective. Unfortunately South Africa's citizens are not very law abiding. As a result, MPAs, especially no-take zones are much easier to enforce and are therefore the best option available to protect fish in jeopardy. In reality, management strategies such as bag limits, size limits and closed seasons require daily enforcement to ensure effectiveness.

Dan Bosman further asked whether options of stocking fish have been considered in South Africa.

Dr Barry Clark confirmed that experimental breeding of dusky kob has been successful, but it still has to be established whether breeding dusky kob will be a viable solution to stopping the decline in wild stocks. He also explained that South Africa has several abalone ranching farms to meet international demand and relieve pressure on wild stocks. Furthermore, we also have concession areas on the east coast where abalone are actively being ranched (released and allowed to grow in the wild).

Dan Bosman asked whether the size of MPAs matters and whether there is a maximum or minimum size that should be considered.

Dr Barry Clark explained that MPA sizes are important in addressing the needs of different kind of species. For example, different types of fish have different home range sizes. He gave red roman as an example of highly resident fish with small home range. He explained that research has shown that MPAs smaller than 2km enhances the probability of a resident fish leaving the MPA and getting caught outside the MPA boundaries. Therefore, Dr Barry Clark continued, the minimum size must be 3-4 km. Large MPAs in contrast become problematic by impacting on too many people by reducing access to the coast. For example, the Tsitsikamma MPA is 60 km long, which arguably reduces the benefit from spill-over to fishermen living outside the reserve. Dr Barry Clark continued that there must be a balance between protecting fish within an MPA and ensuring benefits from spill-over to fishermen outside an MPA.

Dan Bosman responded that in the light of what Dr Barry Clark had just explained, he agrees that MPAs should be supported. However, he suggested creating rotational MPAs. Thereby fish stocks could recover. This could be useful as it does not permanently close an area to a group of people.

Dr Barry Clark agreed and explained that this type of MPAs has been looked at by fishery resource scientists and that this type of MPA is termed a 'rotational MPA'. Dr Barry Clark went on in explaining that unfortunately opening an area where fish stocks have recovered would result in the fish stocks being decimated within a short period of time hence negating much of the benefit provided by the MPA.

Dan Bosman disagreed with the last statement by Dr Barry Clark and said that for many fishermen it does not make sense to catch the biggest fish because fishermen realised that those individuals are crucial for reproduction and maintenance of fish stocks. He concluded by saying that for him it just does not make sense that little children can't catch klip fish from the rock pools anymore.

Charl du Plessis pointed out that that pollution entering the sea is another problem that should be looked at when addressing the decline in fish stocks. He gave the disappearance of the mackerel as an example. Nobody could tell him what had happened to the mackerel stocks. He emphasised that he had studied fish since he was small and claimed that for an unknown reason the mackerel stopped breeding for a few years and after that the stocks disappeared. He also explained that nobody was catching white stumpnose in the Betty's Bay area, even when their numbers were abundant and that other non-angling fish simply disappeared. He said that he arrived in Betty's Bay in 1957 and said that the beaches were wide. Later, the dunes were vegetated with bushes, which prevented the sand from moving. He observed how habitat for oystercatchers was destroyed. He compared this situation with the situation in Kleinmond, where no bushes were planted on the beach and that the coastal habitat is still intact. He asked whether the galjoen data was collected during the time of the year when they disappear and that climate has an impact on the movement of the galjoen. He further argued that many people in this meeting catch fish from boats and that the most fish is not caught adjacent to the MPA. He asked what scientific research has been conducted to establish whether fish actually breed in the Betty's Bay area. He referred back to Dudley Smith's comment that the currents are strong and that this must have an impact on the abundance of fish. He informed us that that the coldest temperatures recorded in the past few years was 7°C. He argued that climate change is certainly happening and that impacts of climate change on fish stocks should also be considered. He continued and agreed that line fish caught from the shore is not protected in this area. He also explained that the Betty's Bay area is the main area where

subsistence fishermen make most of their money. He read excerpts from the Small-Scale Fisheries Policy in Afrikaans. He concluded by saying that this area should be given back to traditional fishermen, as proposed by the Small-Scale Fisheries Policy and that combined management between traditional fishermen and the authorities should be attempted. He said that other areas cannot be compared with this area and that further scientific evidence is needed to provide proof that fishermen will benefit from a no-take zone.

Charles Adolph Hector asked whether Dr Barry Clark agreed that the African penguin population are increasing despite continued shore angling. Dr Barry Clark confirmed this. Based on this fact, Charles Adolph Hector asked for further research on the situation in Betty's Bay.

Dr Barry Clark responded that research about how long people have been fishing in the Betty's Bay area and how much and which fish people catch was conducted by means of surveys. Some attendees confirmed that they had encountered researchers.

Charles Adolph Hector further suggested that the researchers could also be used to police fishermen.

Dr Barry Clark explained that he specifically asked his monitors not to engage in enforcement of the law in order to allow accurate and honest responses to the questions asked. He added that information provided by poachers was also desired and therefore law enforcement would have resulted in inaccurate data.

Charles Adolph Hector requested whether data was also collected at Jock's Bay.

Dr Barry Clark confirmed that data was collected from Gaansbaai to Pearly Beach.

Charles Adolph Hector argued that this area will be closed without knowing that it will protect breeding stock.

Dr Barry Clark said that some resident species will be breeding here and other will not. He emphasised that it is important to protect a range of species and their habitats.

Morne van Tonder re-iterated that he would like to see a proper study on the Betty's Bay area and not other areas. He requested information relevant to this area.

Ritter van Eerden argued that there are a lot better places for fishing. He pointed out that the discussion was going off the point. This discussion is meant to establish who is in favour of this proposal and who is not. Do the new regulations mean that a youngster cannot walk around to catch little klip fish? Dr Barry Clark confirmed this.

Cecilia Liebenberg requested whether we can look at the poaching data for the last three years to find out what impact does poaching have. She also pointed out that the help lines are not answered and that if you do phone you may endanger your own life. She asked whether there is anything that concerned citizens can do to help.

Gerca Engelbrecht said that he owns a tackle shop in Kleinmond and that he will lose business when people cannot fish anymore. He clarified that he is in support of MPAs because him and other fishermen know that conservation of the fish stocks is needed. He said that he does understand that

biosphere reserve core areas must be pristine. He argued that the Betty's Bay area is not pristine and that the surrounding area is much more suitable as it is much less developed. He also pointed out that there was some discussion through World Wildlife Fund (WWF) to close the whole area and only leave the area open to subsistence fishermen.

Dr Barry Clark responded that he would not want to talk on behalf of WWF, but that to his knowledge, there was no proposal to prevent recreational fishing elsewhere on the Kogelberg coast outside of the Betty's Bay MPA.

Peter Swart requested whether it would be possible to move the specified times for day diving from 3pm-6pm, such that people can go for a dive after work.

Dr Barry Clark acknowledged this comment and confirmed that this recommendation will be taken into consideration.

Monty Guest Acknowledged that a recreational diving permit is an existing management method in South Africa's MPAs. He agreed with the need to establish a diving permit for the Betty's Bay MPA. However, he argued that free divers should not have to pay for their permit. He would like to see the proposal re-phrased to include an 'Exemption' for night dives, for example for photographers. This precedent was set in the Table Mountain National Park MPA. He further pointed out that if divers are honest, they would not like to go diving during the night in the Betty's Bay MPA as it is too dangerous to come across poachers. He also presented an argument as to why divers are generally reluctant to accept a night diving ban. He referred to mistrust of divers towards the government which was caused in the past when negotiations were used by the decision making authority to ban diving all together.

Dudley Smith said as a diver and marine biologist he voiced concern that all these new regulations will not be enforced.

Unnamed attendee 3 explained the Betty's Bay coast has been a source of environmental education for generations in his family. He said that this is a residential area and that he thinks that this the only residential area that is going to become a no-take zone.

Dr Barry Clark corrected this statement and explained that no-take zones of the Table Mountain National Park MPA are adjacent to residential areas.

Unnamed attendee 3 concluded that this is a great loss to residents of Betty's Bay. He also argued that the intertidal zone is never considered for protection (in terms of trampling) and that most rules are applied to fishermen.

Richard Starke shared his view with all attendees. He said that when his family moved to Betty's Bay in 1948, they moved here because of abundant fish and good fishing. He said that you would be surrounded by white steenbras and white stumpnose as soon as you entered the water. He said that he knows that people (including himself) have fished too much and that fish stocks are now greatly reduced. He therefore admitted that he stopped fishing himself. He agreed that stopping boat-based fishing has greatly improved the situation in Betty's Bay and that gannets that were not here 10 years ago are now abundant. Other bait fish have found sanctuary in the Betty's Bay MPA and have probably contributed to the observed improvement. He continued by pointing out that it is not only

the fishing that he is concerned about, but also about how people generally behave in this Marine Protected Area. He said that rubbish is left on the beach and a bag of fishing line can be collected on the beach every day. He challenged the audience and asked whether anyone actually bothers to pick up other people's rubbish if they make sure that their rubbish goes home with them. He advertised that fishermen could also start using biodegradable fishing line, which degrades in 6 years as supposed to nylon which takes 600 years to break down. He concluded by saying that it is not only the fishermen that are important stakeholders in this area, but that there are a lot of families that like to stay in this area because it is part of the biosphere reserve and because it is an MPA. The concerns of such families should also be taken into account when making the final decision. He also mentioned a case study from New Zealand, where establishment of a no-take MPA resulted in rapid recovery of fish stocks and subsequent benefit by many people.

Hazel De Kock and Morne van Tonder requested whether there is a plan to police and control poaching in future.

Pierre de Villiers responded that a command centre has been set up and some of them are contractors. He said that CapeNature is working with the Department of Agriculture Forestry and Fisheries (DAFF) to work out a strategy that will greatly improve policing of poaching. He added that it is hoped that introducing permits will contribute to arresting poachers, if not for poaching at least for being in the water at the wrong time. Introducing permits will at least mean that the poacher knows that there is a chance that he could get caught and fall under the radar of the SAPS and CapeNature.

Charl du Plesses recommended that there should also be mechanisms in place that allow communication of divers with law enforcement officers. This could help in focusing resources, especially, should an exemption be forwarded as a solution to allowing night dives.

Pierre de Villiers agreed that this was a very good suggestion.

Monty Guest contributed to this discussion by pointing out that divers have this kind of arrangement with the Table Mountain National Park. He explained that for night dives, divers phone law enforcement to how many divers will enter and exit when the water. This method has been working well in the last 7 years.

Hazel De Kock asked whether scientists have noticed a decline in prey abundance in relation to the increase in African penguin and Gannet numbers.

Dr Barry Clark answered that he does not think so, as both, African penguin and Gannets have migrated here because of abundant food sources. Their constantly increasing numbers should be an indication that prey fish stocks are not decreasing.

Unnamed attendee 4 asks what will happen after this meeting.

Dr Barry Clark explained that there may be some changes to the Betty's Bay MPA design in response to the comments provided today and until 25 April 2014. Comments received by the Minister during the formal commenting period may also contribute to the final MPA design.

Bertie Hattingh said that 90% of his concerns about the proposed changes are regarding the creation of a no-take zone. He argues that he goes fishing close to his house and that him and many other fishermen are not only fishing the fish but also look after the fish. He concluded that he bought the property in Betty's Bay because he is able to fish here.

Charl du Plessis said that sand dunes are blocked from moving in a natural way, which he claims has a major impact on the fish. He also argued that Cape fur seals are a problem and that they compete with fishermen.

Unnamed attendee 5 pointed out that the river mouth does not open as much as it used to and that he attributes it to the reduction in water from the catchment. He also pointed out that white steenbras cannot go into the estuary when it is closed. He recommended that the estuary should open and perhaps steenbras numbers will recover.

5 Closure

Dr Barry Clark thanked everyone for attending the meeting.

He also reminded all stakeholders that the commenting period for this pre-public participation process ends on the 25 April 2014 and that a formal commenting period of 60 days will commence as soon as the Notice is published in the *Gazette*. The meeting was closed at 20:30.