



**forestry, fisheries
& the environment**

Department:
Forestry, Fisheries and the Environment
REPUBLIC OF SOUTH AFRICA

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NATIONAL ASSEMBLY

(For written reply)

QUESTION NO. 4596 {NW5725E}

INTERNAL QUESTION PAPER NO. 50 of 2022

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Mr D W Bryant (DA) to ask the Minister of Forestry, Fisheries and the Environment:

(1) With reference to Chapter 4 of the National Environmental Management: Integrated Coastal Management Act, Act 24 of 2008, what (a) measures has her department taken to identify estuaries and (b) are the qualifying identification criteria that are used in each province;

(2) whether Estuary Management Plans (EMP) have been established for all the identified estuaries in each province; if not, why not; if so, what are the relevant details;

(3) (a) what are the minimum requirements included in the EMPs, (b) how does her department monitor compliance with the EMPs in each province and (c) what punitive measures have been taken against offending parties who have contravened EMPs in each province (i) in (aa) 2018, (bb) 2019 and (cc) 2020 and (ii) since 1 January 2021?

4596. THE MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT REPLIES:

(1)(a)(b) The measures for the identification and management of estuaries are stated in the law. The National Estuarine Management Protocol (Protocol) is a statutory document in terms of the National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008) (ICM Act). The Protocol provides guidance for the management of estuaries through the development and implementation of estuarine management plans (EMPs), and identifies the responsible management authorities to coordinate the process for the development and implementation of EMPs. EMPs are sought to foster synergy with respect to the ecology of the ecosystem and human activities, while allowing for orderly and sustainable resource use. The most updated National Biodiversity Assessment Report is used as the basis point to prioritise applicable and relevant estuaries management actions.

In addition to the most updated National Biodiversity Assessment Report, provinces and provincial conservation agencies use the relevant socioeconomic indicators to prioritise applicable and relevant estuaries management actions.

(2) There are approximately 291 estuaries in South Africa. EMPs have not been developed for all 291. The development of an EMP is a costly and time-consuming process. One EMP can take up to a minimum of two years to be finalised for implementation. The Protocol sets out three distinct phases for developing an EMP, namely a scoping phase, an objective setting phase and a public participation process, as required by section 53 of the ICM Act. The intense requirements of each of these phases are detailed in the Protocol and the Act. The cost of developing an EMP is in the region of R600 000,00 and some can even cost up to R1 million. Budget and resources for all the estuaries are not realistically available to government, especially in a time of constrained resources. For this reason, certain estuaries have been prioritised, as detailed above. Currently, 14 EMPs have been developed and four have been initiated and published for public comment.

Table 1. Provincial priority and national estuaries and current EMP status

Province	RMA	Estuary	EMP status	Gazetted for public comment	Gazetted for implementation (year)
Northern Cape	DFFE	Orange River Mouth	Finalised	Yes	2017
	NC	Buffels estuary	Finalised	Yes	2020
	NC	Swartlinterjies estuary	Finalised	Yes	2020
Western Cape	WC	Matjies estuary	Finalised	Yes	2022
	WC	Piesang estuary	Finalised	Yes	2022
	WC	Wadrift estuary	Finalised	Yes	2022
	WC	Blinde estuary	Finalised	Yes	2022
	WC	Breede River	Finalised	Yes	2016
Eastern Cape	DFFE	Buffalo River Mouth	Finalised	Yes	2018
	EC	Swartkops estuary	Finalised	Yes	2022
	EC	Nahoon estuary	Finalised	Yes	2016
	EC	Seekoei	Finalised	Yes	2019
	EC	Kowie estuary	Finalised	Yes	Pending
	EC	Qinirha estuary	Finalised	Yes	Pending
KwaZulu-Natal	DFFE	Durban Bay	Finalised	Yes	2016
	DFFE	uMhlatuze/Richards Bay	Finalised	Yes	2020
	KZN	iKongeni	Finalised	Yes	Pending
	KZN	uThongathi	Finalised	Yes	Pending

(3)(a)(b)(c) The Protocol sets out the minimum requirements for an EMP, as follows:

- 1.1 An executive summary of the Situation Assessment Report (SAR) that highlights the key information that would inform and/or influence the management decisions within the estuary.
- 1.2 A geographical description and a map of the estuary based on the Estuarine Functional Zone (EFZ), clearly identifying the boundaries of the system. Any deviation from the EFZ should be motivated for.
- 1.3 The local vision and objectives that give effect to the strategic vision and objectives of the protocol.
- 1.4 A list of management objectives and activities that, at minimum, addresses the following: Conservation and utilisation of living and non-living resources (taking into account the priority biodiversity list in the 2018 National Biodiversity Assessment and subsequent updates), social issues, land use and infrastructure planning and development, water quality and quantity, climate change, education and awareness, compliance and enforcement, and any other activities that will be required to maintain and/or improve the condition of the estuary.
- 1.5 Details of intended spatial zonation of the estuary specifying activities that may or may not take place in different sections of the estuary,
- 1.6 A detailed integrated monitoring plan with a list of performance indicators for gauging the progress with respect to achieving the objectives of the EMP.

- 1.7 Details of the institutional capacity and arrangements required for managing different elements of the EMP, taking into account different departmental mandates. A steering committee comprising all the different role players taking collective responsibility for implementation. The relevant responsible authority takes the lead in each of these steering committees.

It would be unconstitutional to implement punitive measures, as declared in *Abbott v Overstrand Municipality (99/2015)* [2016] ZASCA 68. The Protocol, which is a statutory instrument in terms of the National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008), creates the framework for developing an EMP. An EMP is a management plan for an estuary and comprises management actions to improve the ecological status of the estuary, while considering the goods and services the system provides to society. The management actions must be undertaken by the mandated sectors for that particular action, as outlined in the EMP. Each role player has a mandate, in terms of the legislation, which governs their participation. As an example, fisheries-related transgressions will be enforced in terms of the Marine Living Resources Act; the transgression of municipal by-laws will be enforced by the relevant municipality, etc. An EMP is an overarching management instrument, which creates the platform for coordination and does not seek to replace existing mandates or roles, but coordinates them and attempts to synergise their implementation.



MS B D CREECY, MP
MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT

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