

**FISHERIES AND MARINE RESOURCES ADVISORY PANEL**

(50<sup>th</sup> Meeting)

Wednesday 28 January 2009

Present :

Constable Mike Jackson – Chairman  
Paul Bizec representing the Jersey Fishermen's Association  
Don Thompson representing the Jersey Fishermen's Association  
Doug Ward representing the Jersey Fishermen's Association  
Trevor le Cornu representing the Jersey Aquaculture Association  
Ian Syvret representing the Jersey Inshore Fishermen's Association  
Chris le Boutillier representing Boat Owners (Northern Section) until 16.20  
Peter Gosselin representing Jersey anglers  
Nathalie Porritt representing Jersey exporters  
Nicolas Jouault representing the Société Jersiaise

In attendance :

Chris Newton, Director of Environment  
Simon Bossy, Head of Fisheries and Marine Resources  
Mike Smith, Senior Fisheries Inspector  
Greg Morel, Sea Fisheries Officer  
Paul le Neveu, Jersey Harbours  
Felicity Smith, minutes

Mike Taylor had sent his apologies for not being able to attend.

**Action**

**1.0 Minutes and Matters arising**

**1.1** The adoption of the minutes for the meeting held on 5 November 2008 was proposed by Chris le Boutillier and seconded by Don Thompson.

**1.2** Concerning point 4.1 and the continuing support in 2009 from EDD for the MSC accreditation scheme SB had received confirmation by e-mail that support was still available. SB would forward the e-mail to DT.

**SB**

**1.3** Concerning point 1.3 the Department had been informed that UK approval of the bag limits legislation was imminent and might therefore be presented to the States of Jersey before the next Panel meeting.

**2.0 Joint Management Committee Bay of Granville**

**2.1** The list of the eight named pair trawlers allowed to fish in Zone C not subject to restrictions had been received from the French and was communicated to the Panel.

**2.2** Legislation restricting pelagic and pair trawling in the Frouquier Aubert area to those with a permit had been drafted and would soon be presented to the States for approval. It was supposed that those with a track record (5 or 6 vessels) would be eligible. In addition to protecting Jersey potting activity bream spawning stocks would be better protected.

2.3 Eight French vessel owners benefited from sunset clauses to fish in Zone A but the recent case involving the Saltimbanque had underlined Jersey's intransigence concerning the characteristics of vessels involved in transfers. Only 6 vessels remained able to fish in this area.

2.4 Don Thompson agreed that JFA members would be involved in scallop dredging trials using 86mm ring size on one side of a vessel and 92mm on the other. These would no doubt take place in the Spring of 2009. Funding for the bags had yet to be found.

2.5 The French authorities had indicated that they would be authorising an increase in the whelk MLS in 2009. No confirmation of dates had been received. Any further Jersey action would be decided after the whelk trials programmed for February 2009.

2.6 For MSC accreditation Jersey had now fulfilled the criteria concerning the management of lobster stocks, the French still had to provide data.

### 3.0 Integrated Coastal Zone Strategy

3.1 In order to implement the strategy which had been presented to the States the Environment Department had succeeded in creating a post which after due process had been awarded to Greg Morel. The main elements of the strategy could not be progressed until the post holder commenced work on 1 March 2009. As not all aspects could be advanced simultaneously the Panel would no doubt be called upon to prioritise issues.

3.2 SB agreed to consult the Granville Bay Treaty to ascertain if Greg in his new role would attend JAC and JMC meetings. **SB**

### 4.0 Decline in puffin numbers

4.1 JFA, JIFA and the Grève de Lecq boat owners all expressed their dissatisfaction at the publicity which had been given to this article before the subject had been discussed by the Panel. JFA members hotly disputed the fact that commercial fishing was responsible for the decline in puffin numbers. IS thought that by bringing the issue to the Panel, before taking it to the media, the true extent of the problem, if there was one, could have been studied. CleB was surprised that Grève de Lecq boat owners had not been consulted when they had monitored the puffin situation for decades and have good data on this subject. He suggested creating a "No-Go" Zone for all vessels including canoes during nesting seasons which he was sure would be acceptable to most boat owners.

4.2 Various other explanations for the bird decline were voiced including black back gulls preying on chicks, canoes, "Puffin Tours", BBC filming, feral cat sanctuary adjacent to burrows. Essentially it seemed that too much general human activity may be to blame and it was difficult to attribute the problem to any one sector.

4.3 Nick Jouault had been in contact with "Finding Sanctuary" and Tom Hopper had agreed to give a talk in Jersey. The Panel agreed that this should go ahead and officers from the Department would be interested in talking to him. **NJ**

4.4 The Fisheries and Marine Resources section would work with the ornithology section of the Société Jersiaise (Glyn Young) with a view to gathering all available data on the issue. **GM**

4.5 The species Action Plan on the Puffin produced by the Environment Department proposed an investigation into the feasibility of no take zones in puffin areas. The Panel agreed that this was a good way forward and could be investigated fully by the

Coastal Zone Officer when in post after March. Meanwhile advice to the public via the media and boat owner associations should be considered.

## **5.0 Noisy netting**

5.1 Peter Gosselin explained to the Panel the complaints he had received concerning noisy practices by netters in Grouville Bay. Banging on the side of the boat in the early hours of the morning to make fish swim into a net had woken residents. This was not an infraction of Fisheries legislation and did not happen regularly enough to constitute noise pollution. The JFA agreed to put pressure on the fisherman involved to arrive at a solution acceptable to all.

## **6.0 Jersey Fish Festival 2009**

6.1 Don Thompson presented the planned event in aid of the RNLI and Maritime Charities to the Panel. He outlined the various events during the course of the day. Different States Departments had offered help and the JFA sought to obtain the endorsement of the Panel to support a request to EDD for funds. Chris Newton agreed to approach EDD to this end on condition that Don Thompson was able to give a precise figure of amounts required. This figure would be made available in the following week.

DT,CN

## **7.0 MOB Guardian apparatus**

7.1 UK fishermen benefit from a government grant of 40% of the price of MOB apparatus. The EDD had contributed in 2008 for those fishermen acquiring the device. In 2009 a maximum of 5 fishermen wished to purchase it. Chris Newton agreed to consider EDD funds within the Rural Economy Budget for the £2500 involved.

CN

## **8.0 Any Other Business**

8.1 England (but not the devolved administrations) is introducing a two tier system in under 10 m licensing with vessels authorised to fish for pressure stocks or not. Jersey does not have readily available the data necessary to determine which category Jersey licensed vessels would fall in to. How licences would be transferable to England and the devolved administrations had not yet been decided.

8.2 The UK sole quota set at 25kgs per month was unrealistic. EU skate and ray quotas for over 10m vessels concerned specific species whereas for under 10m vessels all species were limited by the UK.

8.3 Nick Jouault enquired about data concerning testing of fish and shellfish in areas around the site for the new incinerator. GM explained that Department data went back to 1993 with testing for heavy metals. Jersey was also part of comprehensive radiation testing carried out in the UK as a whole and this had shown no cause for concern. The sedentary organisms most at risk were the ones tested.

8.4 Paul Bizec underlined the continuing problem faced by those wishing to export fish and shellfish to France. Natalie Porritt gave details of the small number of shipments that were possible. Mike Jackson agreed to talk to Steve Bailey of Condor Ferries to discuss the service. Whether or not the outcome of the work done in 2008 by John Perchard with French Customs remained valid in 2009 was unclear.

MJ

8.5 CleB enquired about the EU Technical Conservation Regulations and the plan to do away with minimum sizes. MS explained that there had been a considerable reaction to the move.

8.6 Peter Gosselin expressed the concern of his members following the announcement that the catches from recreational anglers would count as part of the overall quota. MS explained that the idea proposed was for catches from boats and not from the

shore and only for species with recovery plans. Simon Bossy did explain however that when such drastic measures were considered by the UK it brought into question the UK/Jersey Fisheries Management Agreement although high level discussions would be necessary before any change could be made.

**8.7** Trevor le Cornu expressed the concern of his members about the value of *E coli* testing given the time it took to notify them of the results; results of tests done on 12 November were not available before 2 December. GM explained that the tests were designed in order to grade the beds and were therefore on a different time scale. SB agreed to research the reasons why the results took so long and report back at the next Panel meeting. Information gathered thus far showed that results in the UK followed a four year cycle and apparently Jersey would seem to follow the same pattern. **SB**

**8.8** Ian Syvret asked about the results of phage testing but SB explained that the results were inconclusive.

**8.9** The most likely causes of the turbidity in 2008 were the storms in March. The suggestion that it was the result of dredging in the Mont St Michel was rejected. French fish farmers would have been the first affected.

**9.0 Date of next meeting**

**9.1** The date of the next meeting was confirmed as Wednesday 18 March 2009

**FISHERIES AND MARINE RESOURCES ADVISORY PANEL**

(51<sup>st</sup> Meeting)

Wednesday 18 March 2009

Present :

Constable Mike Jackson – Chairman  
Paul Bizec representing the Jersey Fishermen's Association  
Don Thompson representing the Jersey Fishermen's Association  
Chris le Masurier representing the Jersey Aquaculture Association  
Ian Syvret representing the Jersey Inshore Fishermen's Association  
Chris le Boutillier representing Boat Owners (Northern Section)  
Peter Gosselin representing Jersey Anglers  
Nicolas Jouault representing the Société Jersiaise

In attendance :

Simon Bossy, Head of Fisheries and Marine Resources  
Mike Smith, Senior Fisheries Inspector  
Greg Morel, Sea Fisheries Officer  
Felicity Smith, minutes

Mike Taylor and Paul le Neveu had sent their apologies for not being able to attend. **Action**

**1.0 Minutes and Matters arising**

- 1.1** The adoption of the minutes for the meeting held on 28 January 2009 was proposed by Chris le Boutillier and seconded by Ian Syvret.
- 1.2** Point 2.2 The legislation concerning the “pelagic” trawling permits was tabled to be debated in the States on 28 April 2009. Constable Len Norman would be briefed. DT had been contacted by the BBC. He would discuss the matter with MS who had also been contacted by the media.
- 1.3** Point 4.0 GM reported on the progress on the puffin species action plan. Following a meeting held at Howard Davis Farm a specialist Seabird Working Group was to be established to collate the existing data on monitoring and establish a monitoring programme for the future. A trapping programme for small mammals was to be set up in collaboration with Durrell. A terrestrial and marine voluntary Exclusion Zone would be established allowing some access for a limited amount of commercial fishing based on a track record of fishing in the area. Tom Hopper was due to make a joint presentation with the Marine Conservation Society representative at the Société Jersiaise at 20.00h on 7 April 2009.
- 1.4** Point 8.1 Jersey had received written confirmation from Defra that, under the two tier system, licences transferring from Jersey to the UK would be considered as full UK licences.

**2.0 Minister's perception of Panel activities**

- 2.1** Chris Newton had expressed his concern that, based on the contents of the e-mail,

the Minister for Planning and Environment would not have a balanced concept of the Panel's stance. The idea that the Panel was not interested in conservation matters was refuted. No Take Zones had often been the subject of debate at Panel meetings and the introduction of a voluntary Exclusion Zone allowing limited access to commercial fishing in the puffin action plan was an illustration of the Panel's respect for all points of view.

**2.2** NJ maintained that the view of the Marine Biology Section of the Société was that in the UK, New Zealand and Australia No Take Zones had proved to increase biodiversity in general and in the long term to benefit stocks and the fishermen themselves.

**2.3** It was suggested that an invitation could be extended to Senator Cohen to attend part of a Panel meeting in order for him to gauge the interest of the Panel in conservation issues.

**SB**

### **3.0 Registration of leisure boat anglers**

**3.1** Mike Smith outlined the uncertainty surrounding this subject. It was thought that only recreational fishing on a large scale was targeted and for species which were the subject of recovery plans. Jersey and the UK were due to meet to discuss the Fisheries Management Agreement (FMA) and clarification would be sought. Jersey was prepared to use bag limits if any species was of concern. PG had calculated that for a few hundred pounds of fish thousands of hours of enforcement would be necessary.

### **4.0 2009 whelk survey**

**4.1** GM presented the results of the survey which showed slightly better catches for the large whelks than in 2008 but a reduction in the numbers of whelks below the minimum size. It was unsure whether reduced effort prior to the survey could be explained by a smaller number of companies being involved in the fishery, higher fuel costs or the French closed season.

**4.2** The 2009 catches had done little to allay the fears of a total population collapse and the attendant very slow recovery also running the risk of a different species developing in place of the whelk. Ifremer had agreed that in the case of reduced 2009 catches their support for immediate action would be forthcoming.

**4.3** One solution lay in the introduction of a maximum legal size to preserve the larger whelks for reproduction, the smaller whelks being more marketable. Given the large numbers involved enforcement of the measure posed a problem.

**4.4** An increase in the MLS seemed to be the way forward but efforts so far to persuade the French fishermen had not been successful. One move to 50mm and then two stages to reach 55mm would be suggested at the forthcoming JAC meeting in St Malo. Jersey was ready to close zones A and B if necessary and possibly zones C and D as an emergency measure.

### **5.0 Skate and ray quotas**

**5.1** The UK had made skate and ray quota stocks and ended the fishery for undulate ray altogether. GM presented figures of skate and ray catches in Jersey; during the tagging programme in 2008; 30% of skate and ray caught were undulate rays. At present FMA compliance would require Jersey to follow the UK ban and the Panel was asked to decide if the situation was sufficiently exceptional for an objection to be made and possibly jeopardise territorial waters. A measure to allow Jersey fishermen to continue to fish for undulate ray was limited as they would still be unable to sell to the French and UK markets.

5.2 It was thought that a high percentage of undulate ray caught was from local and adjacent French waters. The position of French fishermen was unclear and enquiries would be made at the forthcoming JAC. Enquiries would also be made concerning the strength of objection to the measure in the UK. No decision would be taken before the next Panel meeting.

## 6.0 Introduction of “Omega” electronic measuring

6.1 This new method of measuring mesh size would be introduced on 1 September 2009 and MS advised fishermen to get their nets checked before this date.

## 7.0 Fish farming application – oysters

7.1 CleB declared an interest and did not take part in the discussion. Grant Feltham presented his project to the Panel. DT voiced the objections of the JFA concerning the area chosen as several boats had been fishing there for some time. The JAA supported the application.

7.2 Of the three alternative areas discussed (Rozel Bay, Green Island and the previous Le Brocq concession) the previous Le Brocq concession seemed the most favourable although even there access might prove to be a problem. The size of the area applied for and shore based facilities were also discussed.

7.3 The matter of issuing a fish farming licence in a company name rather than in the name of an individual was evoked. It then became feasible to sell the company to a company outside Jersey. Although Mr Feltham was prepared to sign that it was not his intention the JFA requested that the point be minuted.

7.4 It was agreed that the application in its present form could not be recommended to the Minister but an application for an alternative area would be considered.

**SB**

## 8.0 Bass fishery

8.1 Jersey Sea Anglers had expressed their concern about an area named the Boué Blondel to the west of Guernsey where the fishery depended on spawning stock and suggested that cooperation between Jersey, Guernsey, the UK and France was necessary to avoid depletion of the stock.

8.2 The Panel learned that Cefas had undertaken a study in 2006 which showed the stocks to be at a very high level and were at present concentrating their efforts on studies of the very small fish in estuarine areas. Guernsey was not unaware of the problem and unlicensed UK boats fishing in the area had been pursued. In 2008 nets had been banned from the area for several months.

8.3 The concern of the Jersey anglers was noted but given that the total fishery was the subject of studies by Sea Fisheries Committees and in the absence of local grounds to sustain further research Jersey would follow the results of current studies but did not plan to participate.

## 9.0 Any other business

9.1 CleM requested that an additional certificate concerning herpes virus testing by an independent laboratory be required when importing seed from French hatcheries. The Department veterinary services would be informed of the request.

**SB**

## 9.2 This item was discussed as an Agenda Item B

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9.3 SB explained that Fisheries had met with Health Protection, the States Vet, TTS and Water Resources two weeks previous and planned to meet again in two weeks.

- 9.4 CleM requested the assistance of the Department in carrying out a test which involved 5-10kg oyster bags being placed around the coast with a view to being tested.
- 9.5 NJ suggested that in general more testing should be carried out on commercial species to obtain base line data to inform subsequent debate. SB explained that given that toxins, radiation and heavy metals were already tested for for any further testing to be carried out the object of the tests would have to be defined.
- 9.6 MS informed the Panel of 3 pieces of legislation due to be debated in the States. CleB suggested that the Panel could be briefed in detail at the next Panel meeting of what was involved. This was agreed and the Scrutiny Panel would also be informed. **MS**
- 9.7 DT spoke of the introduction of marine fuel duty. MJ explained that Senator Maclean was not in favour.
- 9.8 Ormer catches were reported to have been on the increase. Applications for Pot tags for 2008/2009 were due to be sent out shortly. CleM enquired about the application to discharge brackish water which appeared in the JEP Gazette. GM explained that the application was visible at Planning and Environment at South Hill.
- 10.0 **Date of next meeting**  
The next Panel meeting was fixed for Wednesday 6 May in place of the initial date of 13 May.

**FISHERIES AND MARINE RESOURCES ADVISORY PANEL**

(52nd Meeting)

Wednesday 6 May 2009

Present :

Mike Taylor - Chairman  
Constable Mike Jackson – Vice Chairman  
Jason Bonhomme representing the Jersey Fishermen’s Association  
Don Thompson representing the Jersey Fishermen’s Association  
Chris le Masurier representing the Jersey Aquaculture Association  
Ian Syvret representing the Jersey Inshore Fishermen’s Association  
Chris le Boutillier representing Boat Owners (Northern Section)  
Peter Gosselin representing Jersey Anglers  
Nathalie Porritt representing Jersey exporters

In attendance :

Simon Bossy, Head of Fisheries and Marine Resources  
Mike Smith, Senior Fisheries Inspector  
Greg Morel, Marine and Coastal Zone Officer  
Jonathan Shrives, Sea Fisheries Officer  
Felicity Smith, minutes

Nicolas Jouault and Chris Newton had sent their apologies for not being able to attend. Mike Taylor thanked Constable Jackson for having chaired the Panel meetings during his absence.

**Action**

**1.0 Minutes and Matters arising**

**1.1** Point 4.3 would be amended to say “an introduction of a maximum legal size to preserve” instead of “a decrease in the MLS to preserve”. Subject to this change being made the minutes were approved.

**2.0 Annual Report 2008**

**2.1** SB presented an overview of the report mentioning the unusual silt loads in Jersey and Guernsey waters leading perhaps to increased netted catches. Although fewer pots were used they were lifted more often, lobster and crab catches showed an increase with only the whelk catches in decline. Ray and bass catches showed an increase.

**2.2** GM presented bass figures to the Panel with a breakdown of catches according to area. DT feared that, because 40% to 50% of catches were made by one vessel, if that particular vessel ceased its activity the decline in figures would be used to illustrate a decline in bass stocks. He thought that in future years a footnote should be added to highlight the percentage caught by the trawl fishery. In his opinion there was a very large discrepancy between the figures published and what actually happened.

**2.3** MT would have liked to highlight certain issues in the report by mentioning them in the summary; the problem of sending freight to France where a 3.5 ton limit was set on boats which in themselves weighed 2.5 tons and the fact that the Jersey Oyster

Company were still without a shed. The general feeling was that these items should not be moved.

2.4 The reduction in the numbers of pots was partly explained by the increased cost. DT underlined the fact that a reduction in fishing effort had not resulted in a reduction in catches due to increased efficiency of the gear worked.

2.5 The Panel agreed that the report should be sent to the Minister for approval and forwarding to the media and the website. **GM**

### 3.0 **JAC Saint Malo 1 & 2 April 2009**

3.1 DT presented the JAC meeting

- The first day had been devoted to a discussion about declining whelk stocks. The French fishermen decided to wait and see the result of the present measures, mainly the space bar at 22mm, by the end of 2009. The JFA agreed to discuss quota systems and permits.
- DT thanked MS for the work that had gone into drafting the Frouquie Aubert permit legislation.
- Jersey would continue to be informed about developments concerning the Marine Park.
- The motion against the undulate ray ban, unanimously supported, was due to be taken to the EU at the beginning of June. Locally the problem had highlighted the need to declare separate species on logsheets.
- Jersey had not yet seen the French data on the lobster fishery forwarded for the MSC accreditation.
- Trials on scallop dredge ring size would be carried out

### 4.0 **Whelk MLS**

4.1 The JFA had agreed a proposition of 50mm within the 3m limit and zones A, B and C. It was suggested that the 50mm could apply to all Jersey Territorial Waters. MS pointed out that unless the French agreed to this new size, it would be necessary to go through the arbitration process in respect of Zone C. It was agreed that MS would prepare a brief paper outlining the options and DT agreed to discuss this paper with his members. Once they agreed on the best option, MS would begin drafting legislation and look into the arbitration procedure necessary. It was agreed that until legislation came into force the new MLS could exist as a licence condition. This would mean that Jersey boats would be working alongside French boats with a different MLS although if the bar space of 22mm was respected it was probable that only whelks of 51/52mm would be retained.

**DT/MS**

Chris le Masurier arrived.

### 5.0 **States of Jersey and Fisheries legislation**

5.1 On 28 April legislation concerning permits for pelagic trawlers at la Frouquie was voted. The area was covered by the radar facilities at Jersey Harbours who had agreed that Fisheries could use the equipment.

5.2 On 14 July 2009 the States were due to debate three pieces of Fisheries legislation ; satellite monitoring, sale of fish and bag limits. It was agreed that the bag limits legislation could be the subject of a briefing paper sent to States members possibly one week before the debate.

**SB**

5.3 PG expressed his concern that the bag limit for bass was not accompanied by an increase in the MLS which remained below the size of maturity.

### 6.0 **Non-mobile gear zone in St Aubin's Bay**

6.1 It was agreed that as the existing concession area already excluded mobile gear the zone would not be extended. It was not thought that the area was dredged but the situation would be monitored.

- 7.0 Application by Seymour Oyster Company Ltd (John le Seilleur)**  
**7.1** Mr le Seilleur presented his project to the Panel because the need for a holding area had become apparent. PG objected that the area might impinge on the safest return route for low water fishermen but after discussion it was decided they were more likely to pass to the south of the area. The Panel agreed to recommend the application to the Minister. **JS**
- 8.0 Application by Aqua Orchard Ltd (Grant Feltham)**  
**8.1** The previous application had been for 2 hectares and now Mr Feltham was applying for 0.2 hectares. This was still however an area already fished by commercial fishermen. Only an area agreed by visiting the area could be envisaged. It was agreed that Mr Feltham would contact the fishermen concerned to discuss a site near Seymour Tower. This site would have the advantage of being a likely Grade A . **GM**
- Jason Bonhomme left the meeting.
- 9.0 JFA proposition concerning annual permits**  
**9.1** The prepared document was distributed to the Panel. Given the frustration felt by Jersey fishermen in not being able to protect resources and the fact that the current licensing system was inadequate to protect stocks the JFA proposed the introduction of an annual permit system. This they believed would be of economic benefit to Jersey by preventing foreign companies, who did not pay corporate taxes, from exploiting the fishery.
- 9.2** It was suggested that such a scheme could be accused of being protectionist and discriminatory and the French permit scheme for the whelk fishery had not prevented stocks from being on the brink of collapse. Other mechanisms already in place could be used to cap effort and any decision would have to be in agreement with the French as restricting Jersey effort could result in an increase in French effort. The danger of confusing protection of stocks and protection of the fleet was pointed out.
- 9.3** It was agreed that the Department would set up a workshop to discuss annual permits to include 2 JFA committee members, SB, MS and JS. **SB**
- 10.0 Any Other Business**  
**10.1** NP expressed concern about French divers enquiring about commercial scallop permits during the French closed season. SB agreed to interrogate Crown Officers again to clarify the situation. Any conditions on the permit had to be applied to all holders. Requiring the application to be underwritten by the Regional Fishermen's Association was to be envisaged. **SB**
- 10.2** CleM mentioned the lack of progress on the *E-coli* situation. MJ promised to evoke the problem at the Council of Ministers on 7 May. The Annual Report showing aquaculture with 20% of the industry value highlighted its importance to the Island. **MJ**
- 11.0** The date of the next meeting was agreed as 8 July 2009.

**FISHERIES AND MARINE RESOURCES ADVISORY PANEL**

(53rd Meeting)

Wednesday 8 July 2009

Present :

Mike Taylor - Chairman  
Constable Mike Jackson – Vice Chairman  
Paul Bizec representing the Jersey Fishermen's Association  
Don Thompson representing the Jersey Fishermen's Association  
Chris le Masurier representing the Jersey Aquaculture Association  
Ian Syvret representing the Jersey Inshore Fishermen's Association  
Peter Gosselin representing Jersey Anglers  
Nathalie Porritt representing Jersey exporters  
Nicolas Jouault representing the Marine Section of the Société Jersiaise

In attendance :

Constable Len Norman, Assistant Minister for EDD  
Simon Bossy, Head of Fisheries and Marine Resources  
Mike Smith, Senior Fisheries Inspector  
Greg Morel, Marine and Coastal Zone Officer  
Jonathan Shrives, Sea Fisheries Officer  
David Yettram, Fisheries Officer  
Sarah le Claire, Assistant Director Environment Division  
Paul le Neveu, Jersey Harbours  
Felicity Smith, minutes

Chris le Boutillier and Chris Newton had sent their apologies for not being able to attend. Mike Taylor welcomed Constable Len Norman to the meeting. **Action**

**1.0 Minutes and Matters arising**

- 1.1** The minutes for the meeting held on 6 May 2009 were approved.
- 1.2** Trials on the scallop dredge ring size would start at the end of the French scallop closure.
- 1.3** Obtaining endorsement for applications from French commercial scallop divers would figure on the agenda for the forthcoming JAC.
- 1.4** DT said that the JFA had been upset by the timing of the publication of the Fisheries Annual Report for 2008 which in no way reflected the 30% - 35% increase in production costs whilst showing an increase in stocks. GM stated that the Annual Report was published at the same time every year as soon as all the data had been collated. The report has never included economic data other than the overall value of the industry, based on first hand sale prices. The inclusion in future of average prices for gear, fuel and bait was discussed as was the possibility for the JFA to produce a report on costs. Constable Norman underlined that if commercial information was included concerning costs, the publication of profits would also be expected.
- 1.5** GM explained that the site visit aimed at finding a possible site for the Aqua Orchard

concession had taken place, an area had been agreed and proposed to Panel members. As no objections had been received the application was progressing.

## **2.0 2009 Ormer survey**

2.1 Stations on Island had been surveyed and no evidence had been found of mortality. Stock levels were consistent with previous surveys. The site at les Minquiers was still to be surveyed. Anecdotal reports from low water fishermen indicated catches of 12-20 ormers.

## **3.0 2009 Lobster survey**

3.1 Jonathan Shrives presented the results of the trials which showed overall an increase in CPUE. DT considered that no contingency plan was in place if the stock collapsed. A permit scheme, a ban on landing berried lobsters and regulations to restrict landing were discussed. This notion was also included in the advice in the MSC pre-assessment study. DT agreed that the JFA would prepare a raft of possible additional measures for discussion.

**DT**

3.2 For the second year the light traps had not contained any lobster larvae yet.

## **4.0 Whelks MLS (MJ arrived)**

4.1 Originally French Fishermen's Associations had rejected the proposal of a 6 month closure of the whelk fishery in favour of an increase in the MLS. Given that Jersey can legislate in the 3 mile exclusive zone and also in Zones A and B the JFA gave its full support to the introduction of a 50mm MLS in these areas. Consideration had been given as to whether it was preferable for this to apply to Jersey boats only through a licence condition or to Jersey boats and French boats and French boats in transit through legislation. The latter option had been adopted and drafting legislation would begin.

**SB**

## **5.0 EU Control measures**

5.1 DY outlined some of the measures contained in this legislation; marketing traceability, over 10m VMS, over 15m AIS, electronic reporting, penalty point system, measures to reduce discrepancies between landings and log book data. PG feared powers would be given to inspectors from outside the boundaries of the inspecting state; however the proposition taken to the Joint Management Committee which would have allowed the inspection of Jersey boats without a Jersey inspector on board had been rejected.

## **6.0 Oyster mortality**

6.1 CleM reported on the recent mortality in juvenile oysters of up to 50%. Testing for the oyster herpes virus responsible for the mortality in France in 2008 had been carried out both by Cefas and Ifremer. The cost of the test at Cefas had been £1600 but it was thought unlikely that the Environment Department would fund this, possibly EDD if Andrew Sugden were contacted. As water temperature had been deemed an important factor in triggering the virus the loggers which had been in Grouville Bay had been sent for analysis. The States vet had been notified.

6.2 CleM requested department support for work with Ifremer and SMEL given their past experience with a similar problem. They might advise about other monitoring which could be carried out. This was agreed. MJ wished to look into the possibility of carrying out tests locally to reduce the cost.

**SB**

## **7.0 Bass MLS**

7.1 PG on behalf of Jersey anglers expressed their concern in that the MLS was below the size of maturity and the need to act before the collapse of the stock. He suggested an increase in the MLS to 45cm Representation of anglers at the Panel

was discussed. (Panel agenda to be sent to Chris Isaacs for anglers)

- 7.2 It was agreed that a tagging programme would be undertaken to provide baseline data and to assess if the population was uniquely local.

JS

**8.0 Notification sewage discharge**

- 8.1 Tony Legg represented the JAA for this item. On Wednesday 10 June after only 15mm of rainfall the JAA had taken water samples. The *E-coli* results were very high but were only communicated to the JAA a week later. MJ explained that there had been no break down in sewage treatment recorded on that date and any problem would have been one of secondary treatment. The Liquid Waste Strategy would be published soon and would aim to solve this sort of problem.

**9.0 Jersey Sea Farms Ltd application to ranch ormers**

- 9.1 TL presented his project to the Panel. So far production for a potentially valuable market had been limited by seaweed production and this project solved the problem. He intended to use stock from his present concession and planned to dive for approximately 2 hours per week.

- 9.2 Because the ormers would be returned to the "wild" the exemption concerning undersized ormers farmed in cages would no longer apply. The security issue, given the high value of ormers, was discussed.

- 9.3 It was agreed that although farming ormers per se was to be encouraged the site chosen for this project did not receive the approval of the Panel.

**10.0 Ormer and Scallops of Jersey Ltd amendment to fish farming licence**

- 10.1 Given this was a subtidal area problems concerning samples for grading would have to be overcome but the Panel did not object to oysters being added to the licence. The JAA (i.e. CLeM) supported the application for addition of species to the concession.

- 11.0 The date of the next meeting was agreed as 16 September 2009.

**FISHERIES AND MARINE RESOURCES ADVISORY PANEL**

(54th Meeting)

Wednesday 16 September 2009

Present :

Mike Taylor - Chairman

Paul Bizec representing the Jersey Fishermen's Association

Don Thompson representing the Jersey Fishermen's Association

Chris le Masurier representing the Jersey Aquaculture Association

Ian Syvret representing the Jersey Inshore Fishermen's Association

Chris le Boutillier representing Boat Owners (Northern Section)

Peter Gosselin representing Jersey Anglers

Nicolas Jouault representing the Marine Section of the Société Jersiaise

In attendance :

Simon Bossy, Head of Fisheries and Marine Resources

Mike Smith, Senior Fisheries Inspector

Greg Morel, Marine and Coastal Zone Officer

Felicity Smith, minutes

Paul le Neveu, Nathalie Porritt, Mike Jackson and Jonathan Shrives had sent their **Action**  
apologies for not being able to attend.

**1.0 Minutes and Matters arising**

**1.1** In point 4.1 the word "increase" should replace the word "reduction". In 3.1 the word  
"permit" should replace the word "licensing".

**1.2** DT reiterated his request to receive a reminder before the Panel date which would  
allow members to propose items for discussion before the Agenda was sent out. It  
was agreed this would be done by e-mail. **FS**

**1.3** The ormer survey would occur later in September under the responsibility of JS. GM  
informed the Panel that the 2009/2010 Ormer calendar was now available from the  
Department or on the Fisheries website.

**1.4** DT informed the Panel that the scallop dredging trials with a ring size of 92mm would  
depend on the dates of the French closed season.

**2.0 JAC/JMC July meeting**

**2.1** Concerning Marine Parks Breton fishermen had been associated with the Mer  
d'Iroise project and were not opposed to French projects on condition they were  
included in the decision making process. Basse Normandie opposed the projects,  
Jersey's position was somewhere between the two. In addition to JAC discussions  
SB explained that high level discussions had taken place resulting in agreement that  
a member from the Environment Department would attend all future meetings on the  
subject.

**2.2** Other subjects discussed included MSC accreditation, endorsement of commercial

- scallop permits, fishing in the Sauvages area, new French legislation for recreational fishermen and electronic charts. The JFA had announced their intention to ask for the whelk MLS to be increased to 50mm in Jersey's 3 mile zone and in areas A and B of the Granville Bay area. The Minister would be asked to approve that Law drafting should begin. Whether or not this legislation would require UK approval was discussed. **MS**
- 2.3** On 18 September a meeting involving netters from Brittany, Basse Normandie and Jersey would take place in Jersey.
- 3.0 French legislation for recreational fishermen**
- 3.1** SB explained that recent French legislation pertaining to Channel waters introduced quotas for sole, cod, plaice and whiting and an obligation for recreational fishermen to remove half the caudal fin of any fish caught. The JFA wished to see the cutting of the caudal fin introduced into Jersey legislation.
- 3.2** Various actions would be undertaken. Department Officers would ascertain if any existing legislation (EDD or Environmental Health) already dealt with the sale of goods. Fisheries Officers would prepare a paper on partial caudal fin removal. The proposal would be taken to the next JAC meeting where support for the Jersey measure would be sought. **SB MS JAC agenda**
- 3.3** Both PG and CleB agreed that non-commercial fishing should be regulated in some way.
- 4.0 JFA permit scheme**
- 4.1** The JFA felt that tightening Harbours, Fisheries or Regulations of Understandings legislation did not do enough to prevent instant access to the fishery and they wished to investigate with Jersey Harbours the possibility of introducing a certificate of competency or skipper's ticket.
- 4.2** Panel members agreed to endorse the JFA proposal and would indicate to Jersey Harbours the agreed conditions i.e. for vessels over 7m in length, a qualified skipper must be on board at all times, Fisheries Officers would be empowered to enforce the measure, 5 years residency would be required, duty to inform authorities if beneficial ownership of the vessel changes. **SB**  
The Panel also agreed that the Registry should be tightened up to prevent inappropriate access to the fishery.
- 5.0 Marine Protected Areas (MPAs)**
- 5.1** In the framework of the Integrated Coastal Zone Management Strategy Greg Morel presented the Department's approach to Marine Protected Areas. A Department project team would study the project before Law Officers were consulted. The project could then go to public consultation and research projects could be identified. The Panel's approval would be sought at every stage.
- 5.2** Panel members were requested to present and discuss the project with their members and to update the stakeholder list if possible. It was agreed that an electronic version of the document would be sent to Panel members. **All GM**
- 5.3** DT feared the need for MPAs may not be understood. PG feared the project would meet with opposition as it was a new concept. CleM would rather have seen the funding spent on aquaculture.
- 6.0 Harbour regeneration**

**6.1** Plans by Jersey Harbours to redevelop the La Collette area left the JFA with a smaller area than at present. It was their intention to ask for the old abattoir building and adequate other facilities to be made available to the industry. The Panel gave their support to the suggestion.

## **7.0 MSC accreditation**

**7.1** Whether or not local merchants would pay the 0.5 % of their sales to use the logo was discussed. Those exporting to Europe would benefit from higher prices for produce with a label and locally the label would guarantee the produce was sustainably fished. The work required of the Department was underway and the funding was in place.

## **8.0 Condor ferries**

**8.1** Condor Ferries were programming 17 additional Thursday sailings at a cost of £100k and were looking for exporters other than fish merchants to help fund the service. Funding would be sought from EDD.

**8.2** The service was suitable for shipping crab and lobster but not high density oysters as Condor had done nothing to strengthen the ramp which would have allowed heavier consignments.

## **9.0 Any Other Business**

**9.1** CleB wished to express the thanks of Grève de Lecq fishermen to Jersey Harbours who had helped solve their problem by allowing boats to be left on the public car park.

**9.2** MT congratulated the JFA on the success of their Fish Festival. £12000 had been made, £7000 of which would go to charity. The remaining £5000 would help fund the potential event next year but corporate funding would be sought in place of EDD grants.

## **10.0 Date of next meeting**

**10.1** The date of the next meeting was confirmed as Wednesday 25 November 2009.

**FISHERIES AND MARINE RESOURCES ADVISORY PANEL**

(55th Meeting)

Wednesday 25 November 2009

Present :

Mike Taylor - Chairman  
Paul Bizec representing the Jersey Fishermen's Association  
Don Thompson representing the Jersey Fishermen's Association  
Andy de la Haye representing the Jersey Fishermen's Association  
Chris le Masurier representing the Jersey Aquaculture Association  
Ian Syvret representing the Jersey Inshore Fishermen's Association  
Doug le Masurier representing Boat Owners (Northern Section)  
Peter Gosselin representing Jersey Anglers  
Nathalie Porritt representing Jersey merchants  
Constable Mike Jackson, Minister for Transport and Technical Services

In attendance :

Louise Magris – Item 2  
Ralph Buchholz – Item 3  
Simon Bossy, Head of Fisheries and Marine Resources  
Jonathan Shrives, Fisheries Officer R & D  
Greg Morel, Marine and Coastal Zone Officer  
Dave Yettram, Fisheries Officer - Licensing  
Peter Lawrence, Jersey Harbours  
Felicity Smith, minutes

Constable Len Norman and Nicholas Jouault had sent their apologies for not being able to attend. As Nicholas had resigned from the Panel the Société would be contacted with a view to naming another representative.

**Action**  
**SB**

**1.0 Minutes and Matters arising**

- 1.1** The minutes of the meeting of 16 September 2009 were approved.
- 1.2** Peter Gosselin apologised for having omitted to inform the Panel that he intended to take up his place on the Panel once again.
- 1.3** DT thanked Mike Taylor for the letter of support sent to Jersey Harbours. PL apologised for the misunderstanding which had ensued within Jersey Harbours.
- 1.4** The framework for trials with scallop dredges had been agreed. Because 2 days would be necessary it was doubtful that they could be carried out before the beginning of 2010.

**2.0 Tidal energy in Jersey**

**2.1** Louise Magris, Assistant Director of the Environment Division, explained that, following the preliminary study included with the agenda, the Environment Department was seeking stakeholder reaction in order to make recommendations to the Minister concerning Jersey's interest in renewable energies and here tidal energy in particular. The study had defined the best possible local site with ideal depth, current and tidal force and nature of the sea bed. It was to be borne in mind that this was a very long term project involving technology still being developed. The project was designed to produce between 90 and 150 megawatts given Jersey's present requirement of 120 megawatts. LM reassured the panel that there was no presumption to go forward with the project and a balance would be sought taking into account the possible impact on the fishing industry.

**2.2** The JFA explained that at present there were 8 boats fishing in that area using static gear and it constituted a prime fishing ground. Any area south of a line drawn from St Catherines to the Ecrehou would impact less on fishing. They expressed their concern about the development of a compensation culture but that any compensation would have to take into account the future generations deprived of fishing. They expressed the wish to be included in any steering group convened to study the question and underlined the importance of the fishing industry's reaction.

**2.3** LM explained that an exclusion zone was not inevitable and that technological advances may well accommodate coexistence of the turbines with marine users. A balance would be sought between providing the entire Island with energy and compensation to fishermen. The JFA insisted that turbines and fishing gear were entirely incompatible and no coexistence was possible.

**2.4** MJ had studied the project in Alderney but economically this was not comparable as Alderney had ownership of the sea bed below the low water mark whereas in Jersey this was part of the Crown Estate and a lease may be required.

### **3.0 JFA support for French opposition to wind farm projects**

**3.1** The Panel agreed to write to the Basse Normandie Comité Régional to support opposition to wind farms in the Granville Bay area. The JFA objected to the argument that projects in the sea affected only one sector and were therefore preferable to onshore projects. They feared that the fishing industry was being ignored.

**SB**

### **4.0 The Island Plan and Marine Resources**

**4.1** Ralph Buchholz, responsible for the production of the Island plan, apologised for not having included certain Panel members in the invitations to attend the consultation meeting. He then summarised some of the aspects of the Island Plan which would affect Fisheries and Marine Resources which included Harbours Master Plans, supplementary planning guidance, waste disposal, wind and tidal power and land reclamation.

**4.2** The points raised by the Panel concerning the Island Plan included the official position on marinas, the dual role of the Planning and Environment Department, requirement to carry out EIA's, duplication of administrative procedures in fish farming applications, the lack of parity of applications from agriculturalists and aquaculturalists and the contradiction contained in the Plan concerning "support for fish farming and the fishing industry" while remaining subject to development controls.

**4.3** RB welcomed all comments (online if possible) and looked forward to receiving either individual responses or group responses which could give rise to a dialogue and

amendment of the Plan accordingly. He requested that these be made in writing with reference to the part of the Plan in question. After detailed analysis of the Plan Greg Morel suggested a meeting with RB to discuss points which he had noted.

GM

## **5.0 Certificates of Competence for Jersey skippers**

**5.1** The JFA wished to monitor those making up the fishing industry at the same time as guarding against those from outside Jersey who would not benefit the Island economy. Introducing a certificate of competency would achieve their aim. Dispensation for existing fishermen was discussed.

**5.2** PL explained that a certificate of competency must include two aspects : proving a capacity to navigate safely and the understanding of the need to undertake work in a safe manner. All licensed fishermen, JFA and JIFA members and JY boats and yacht owners would be included. He underlined the danger of introducing the measure for licensed fishermen only who might be tempted to sell their licence to avoid the bureaucracy and exacerbate the problem of sale of "black" fish.

**5.3** Some time for law drafting was still available for 2009 and could be used for legislation regarding training and certificates of competence. He expressed Harbours' wish to revert to meetings with the JFA and the JIFA to discuss legislation. PL would contact DT and IS with a view to meeting.

PL

**5.4** The JFA had studied the funding for the necessary training for JFA members and suggested that each individual would pay 25%, the Association would pay 25% with EDD possibly paying the remaining 50%. MJ suggested Health and Safety at Work could be contacted for help.

DT

**5.5** The JIFA wanted written reassurance that should a permit scheme be introduced it would not exclude anyone. Small affordable licences provided young fishermen with a way into the industry and IS did not want to see this disappear.

## **6.0 Reduction of number of Granville Bay Access permits**

**6.1** Both in France and in Jersey the numbers of vessels using a GBAP were below the numbers agreed in the Treaty. The JFA considered that the opportunity should be seized to officially reduce the numbers. Both Basse Normandie and Brittany agreed. Agreement would be sought at the JMC in March 2010. Precise figures would be presented at the next Panel meeting.

DY

## **7.0 Commercial crisis in crab market**

**7.1** Faced with very low prices and oversupply and since the closure of the Italian market the JFA called on the Department to do more to support the fishing industry. Their proposal of a permit scheme would limit the number of vessels involved in shellfish fishing. DT explained that EDD and the Rural Initiative Scheme (RIS) may fund initiatives together with the JFA.

**7.2** Not all Panel members were convinced that there was a crisis and saw the current situation as part of a fluctuating market which would even itself out in time. Ring-fencing a fishery had rarely improved results and deciding on the number of local permits to be issued was arbitrary. JIFA as worried about possible exclusions.

**7.3** The value-added part of the industry was now saturated and markets would need to be found and shipping made easier. Other ways of adding value should also be envisaged.

7.4 MJ judged that in the present economic crisis all aspects, even protectionism, may be considered. Abandoning bag limits had been perhaps too hasty and he would like to see the legislation debated in the States after more detailed briefing of States members.

## 8.0 Discussion on the lobster fishery

8.1 Several years ago a V notching scheme had been suggested and AdelaH considered it was time to reintroduce the idea putting the V notched lobsters back into waters inside the 3 mile limit. DT thought the Rural Initiative Scheme may fund this sort of project.

8.2 SB explained that the scheme may be in competition with other initiatives and a good business plan to EDD would have to be produced. It must be taken into consideration that because the berried females would not be landed, catches would be reduced at certain times of the year and fishermen may need to seek compensation for this. In this type of scheme in use elsewhere it has always been difficult to prove that the measure would definitely improve the fishery however the extra female lobsters on the grounds may give more security to the fishery stock in any downturn. Legislation on V notching would take perhaps 4 months before it was introduced. DT would prepare a presentation for Panel (February) and the JAC (March).

DT

## 9.0 Report on October 2009 JAC meeting in Granville

9.1 DT explained that the following subjects had been discussed :

- a) cohabitation netters/potters
- b) Cotentin wind farm concerns – fears that fishing would be displaced into Jersey waters
- c) ghost fishing study at Chausey showed increase in lobster population at first
- d) move to extend undulate ban to 5 years
- e) increase of *praire* MLS from 40 to 43mm without any consultation
- f) reseedling scallops south of Chausey
- g) September closure for ormers

## 10.0 Ormer survey

10.1 JS explained that sites west of the Minquiers had not shown good results and he was giving consideration to other sites or perhaps introducing restrictions given the small numbers found.

## 11.0 Tail docking of recreationally caught fish

11.1 MS had prepared a report. PG requested that the item be put on the agenda for the next Panel meeting when he would have had time to discuss with his members. This measure did nothing to solve the problem of beach caught fish. DT suggested that the comparable merits of bag limits or tail docking be discussed.

Carry forward

## 12.0 Any Other Business

12.1 CleM asked for a survey to be conducted concerning the virus which had affected oyster stocks. JS explained that the Department worked in collaboration with Ifremer and Cefas who both had research budgets to carry out this work. The ormer survey

carried out by the Department cost a few pounds and was therefore feasible. CleM asked that the States Vet be associated in any work on the virus and it was agreed that she should be invited to the next Panel meeting.

**13.00 Dates for Panel meetings in 2010**

3 Feb 2010

7 April 2010

2 June 2010

18 August 2010

6 October 2010

1 December 2010.