

Marine Resources *Strategy Consultation*



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How to use this document

It is not expected that everyone who wishes to comment on the review needs to read the entire document: you do not have to. You may respond to as many or as few of the policies as you wish, but we do want you to take part.

To help, the review has been separated into nine chapters covering all aspects of the Island's marine resource. Each chapter sets out policies which are highlighted and numbered so that they can be easily identified. However, they are not prioritised, listed in any particular order, or indeed viewed as comprehensive. As such you can suggest policies or comment on the ones presented.

Your comments and suggestions are needed and valued. This will ensure that the final Marine Resources Strategy includes the needs and concerns of everyone who has an interest in Jersey's marine resource.

Making your comments

1. On-line

The easiest way to respond to this document is through the on-line version of the document available at: <http://consult.gov.je/portal/> where responses can be completed and submitted. We would encourage as many people as possible to use this way of responding to the proposals.

Strategy document

You can access the document via the web address above and can view and comment on all areas of the document or only those which you are interested in, using the comments tabs provided.

2. In writing

You can also submit your comments in writing. If you wish to make a written representation we would ask you to please consider the following points:

- state whether you are 'objecting' or 'supporting' any particular policy or any other aspect of the review
- include your suggested changes and where appropriate state the relevant section or policy number
- outline why you consider your suggested changes to be necessary

Please submit your comments in writing via email to yourseas@gov.je.

How to use this document

Timescale

Consultation on this document is between Wednesday 3 July and Friday 27 September 2013.

More information

Please remember the more responses we have then the more relevant the final strategy will be to the marine sector.

If you have any queries, or require further information, please contact the Marine Resources Section by emailing: yourseas@gov.je or tel: 01534 441600

Public submissions

Please take into consideration that all comments submitted to States of Jersey public consultations may be made public. If you have a particular wish for confidentiality please indicate this clearly when submitting a response.



Figure 1 Low water fishermen and their catch

Abbreviations

AIS Automatic Identification System

CEFAS Centre for Environment, Fisheries and Aquaculture Science

CFP Common Fisheries Policy

DEFRA Department of Environment, Food and Rural Affairs

EIA Environment Impact Assessment

ERS Electronic Reporting System

ETS Extended Territorial Sea

FEPA Food and Environment Protection Act 1985

FMA Fisheries Management Agreement

GIS Geographic Information System

ICZMS Integrated Coastal Zone Management Strategy

JFA Jersey Fishermens' Association

JIFA Jersey Inshore Fishermens' Association

JMC Joint Management Committee

MLS Minimum Landing Size

MMO Marine Management Organisation

MRP Marine Resources Panel

MRS Marine Resources Section

MSC Marine Stewardship Council

TAC Total Allowable Catch

VCU Vessel Capacity Units

VMS Vessel Monitoring System

Executive Summary

The Economic Affairs Scrutiny Sub-Panel report on the Rural Economy Strategy published October 2010 recommended that Jersey's marine and fisheries industry 'warrants its own comprehensive strategy.' This report is intended to fulfil that remit with the following aims and objectives;

- To ensure the long-term protection of the marine resource that is within Jersey's territorial sea
- To support the sustainable development of Jersey's fishing and aquaculture industries
- To ensure fair access to (and use of) the marine resource by a diverse range of interests

Responsibility for marine resources lies within the Department of the Environment (DoE), which employs six staff to monitor, regulate and protect the marine environment to ensure that any use or exploitation of this shared resource is undertaken sustainably and with low environmental impact. Since 2006, legislation relating to fisheries and marine issues, including regulatory and enforcement work currently sits within the Economic Development Department (EDD). It is proposed that legislative responsibility reverts back to Environment on the basis that regulation of the fishing industry is inseparable from the benefits provided to the marine environment from this regulation.

Government intervention is needed to regulate fisheries and marine resources for good reasons. Environmental resources are often valued by society, but there is rarely any free market mechanism that will protect them. Fisheries are a classic example of a resource that, if demand is high, will be excessively depleted or destroyed unless there is strong cooperation to restrict fishing. Further to this, there are a number of competing interests for use of the marine resource; renewable energy, shipping and recreational boating, aquaculture businesses, commercial and recreational fishermen and surfers to name but a few.

Strategic goals are perhaps less important in this respect than focused, appropriate intervention to manage the use of the marine resource on an ongoing basis. The aims of such intervention will evolve over time, as the ambitions of government change and as the roles and responsibilities of specific departments are defined. This Strategy therefore sets out a series of recommendations for marine resource management, based on the current departmental structure and resources, which will be tested in consultation with key stakeholders.

Executive Summary

The Strategy is consistent with the States Strategic Plan and the Economic Growth and Diversification Strategy and recognises that there is a basis for government support of the economic development of Jersey's commercial fishing fleet and sets out recommendations in the following areas;

- To review the level of support given to commercial fishermen in the light of reforms to the Common Fisheries Policy.
- To determine the economic value of the fishing sector to the tourism and hospitality sectors and develop a long term business development programme including fisheries, processing, trade and consumption.
- To investigate the potential net value to be gained by promoting the use of key performance indicators and benchmarking amongst Jersey's commercial fishermen.
- To pilot the use of a permit system for the commercial exploitation of a limited number of species.
- Government to continue to fund the costs involved in Marine Stewardship Council (MSC) accreditation until June 2015, after which point a part or all of such costs should be transferred to fishermen through formal agreements with the Jersey Fishermen's Association (JFA) and Jersey Inshore Fisheries Association (JIFA).
- To undertake some analysis of the processing infrastructure in Jersey with a view to considering what support could be provided for infrastructure investments that add value through processing, packaging and branding for Jersey caught fish.
- To provide support, through Genuine Jersey, for market research and development that leads to successful, sustainable and profitable use of the MSC accreditation.
- To explore the potential of establishing a joint processing and trading organisation for fishermen and traders to add value and secure markets for Jersey caught fish.
- To define a single point of 'first contact' in Government for issues relating to the economic development of the commercial fishing industry. This point of contact may be separate from the management of the marine resource.

Executive Summary

The ability for new entrants to join the fisheries industry is hindered by the relatively high start up costs involved. Overcoming these high start up costs need not require a great deal of investment by Government, but significant headway may be gained through the following specific actions;

- To explore the possibilities for supported boat licensing and to determine the costs and the economic benefits that would accrue from such a scheme.
- To provide business advice support to fishermen and to new entrants within a 'succession matching service'.
- To continue to monitor emerging fishing technologies and identify those which would be of potential benefit to Jersey's marine resource. The development of fishing technologies bring the potential for increased levels of exploitation of the marine resource on the one hand, and better targeted, less damaging, less exploitative harvesting of the marine resource on the other.

The aquaculture sector, for which a separate strategy was produced in 2009, sits within the same broad marine resource management regime as commercial fisheries. A review of that strategy in the light of work subsequently undertaken by the Department of the Environment indicates that the following areas should be addressed;

- To introduce area-based planning for aquaculture concessions in key locations and streamline the dual planning and licensing processes.
- To introduce a Code of Conduct for aquaculture during the fourth quarter of 2013.
- The aquaculture sector should be encouraged towards actions leading to higher added value and productivity from their primary production base.
- To commission an independent economic review of the charging structure for the aquaculture industry, and value of the aquaculture industry to the people of Jersey.

The freedom to fish on a recreational basis provides a very real, although non-monetary, value to a relatively large proportion of Jersey residents. However, whilst enjoyed by a significant proportion of the population, the impact of recreational fishing on the environment remains unknown and there are difficulties communicating key issues to fishermen (e.g. changes in minimum landing sizes). The potential for and possible impacts of angling tourism have not been fully explored. Recommendations are therefore set out in the following areas;

Executive Summary

- To develop and implement a system for recording a sample of recreational fishing catches and making robust estimates of the overall recreational catch.
- To establish and implement a communications plan including a pilot of the use of social media to communicate key issues to recreational fishermen.
- To investigate the potential for angling tourism and the synergies between this and Jersey's commercial fisheries and established sea food reputation.
- To pilot the E-licensing system for scallop diving as a priority in order to assess the feasibility of introducing E-licensing to other species and metiers.

Whilst fishing exploits a common pool resource there is of course a requirement that access to and exploitation of this resource be managed in a manner that is *environmentally sustainable*. Moreover, this management of access and exploitation should also be *fair* to those who invest their time and resources in fishing and *equitable* between different users. Balancing environmental sustainability, fairness and equity requires a degree of compromise by all interested parties. To this end, the Strategy sets out the following recommendations;

- To subject all commercial fishing to licensing.
- To establish a voluntary register for recreational fishing, with licensing of netting and long-lining.
- To allow the first purchase of fish from licensed commercial fishermen only.
- To set bag limits for recreational fishermen for key species based on the best available evidence regarding the sustainable exploitation of the marine resource.
- To update and formalise the arrangement for the operation of the Marine Resources Panel (MRP).
- To establish restricted metier zones in a selection of key areas.

Marine spatial planning is a tool that has been developed in order to bring together the many users of the marine environment and to provide an assessment of the relative importance to them of areas of the sea and sea bed. Whilst marine spatial planning is a preferred option where the

Executive Summary

seabed is to be developed or leased for marine renewable energies, it has additional benefits for Jersey because of the intensity with which the sea area is used. Management of recreational fishing, aquaculture, and commercial day-trips and so on all require an oversight of the whole spatial use of the seas. Recommendations are made as follows;

- To prioritise the marine spatial planning process, with leadership from within the Marine Resources Section.
- To review the planning process for the marine environment to ensure the right balance is achieved between evidence-based economic, social and environmental considerations.
- To develop and publish clear, written marine planning guidelines, in the context of the marine spatial plan, for Ministers, officers and applicants.

The Marine Resources Section undertakes research to support policies aimed at ensuring the protection of the marine resource. The Strategy sets out a number of factors that might be taken into account in determining the relative importance of individual research projects, and makes the following recommendations;

- To work with French and Guernsey counterparts to agree standardisation of reporting of landings.
- To develop a schedule of research priorities for the short (within-year), medium and longer (5+ years) term, including estimated costs and benefits.
- To explore the case for joint commercial and government funding of selected research.
- To maintain support for a research function within the Marine Resources Section.

International affairs are a key element of fishing and marine resource management. Jersey must consider its relationships with the EU as a whole, with neighbouring waters of Guernsey and France, and with the UK. International affairs are most usually codified through fisheries agreements, EU regulations, environmental treaties and agreements. The Strategy sets out the following recommendations in these areas;

- To renegotiate the Fisheries Management Agreement (FMA) with the UK so as to maximise the economic benefit to the Jersey fleet within a sustainable management regime.

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- To include within the renegotiated FMA a reciprocal exchange of fisheries data so that the Marine Resources Section can continue to monitor Jersey's catch.
- To introduce locally relevant buyers and sellers regulations for the sale of fish.
- To agree mutually beneficial access arrangements with Guernsey, Sark and Alderney.
- To develop a comprehensive FMA supported by a Memorandum of Understanding with Guernsey, Sark and Alderney.
- To agree between Departments a consistent, open and fair process of judging the costs and benefits to the Island of any new treaty or agreement under consideration.

Relationships between the Department of the Environment, industry, the public and Ministers pertaining to marine resource use are currently formulated through the Marine Resources Panel. This Strategy sets out proposals for some formalising of the Panel, and of its modus operandi and composition, coupled with a review of the Panel's objectives.

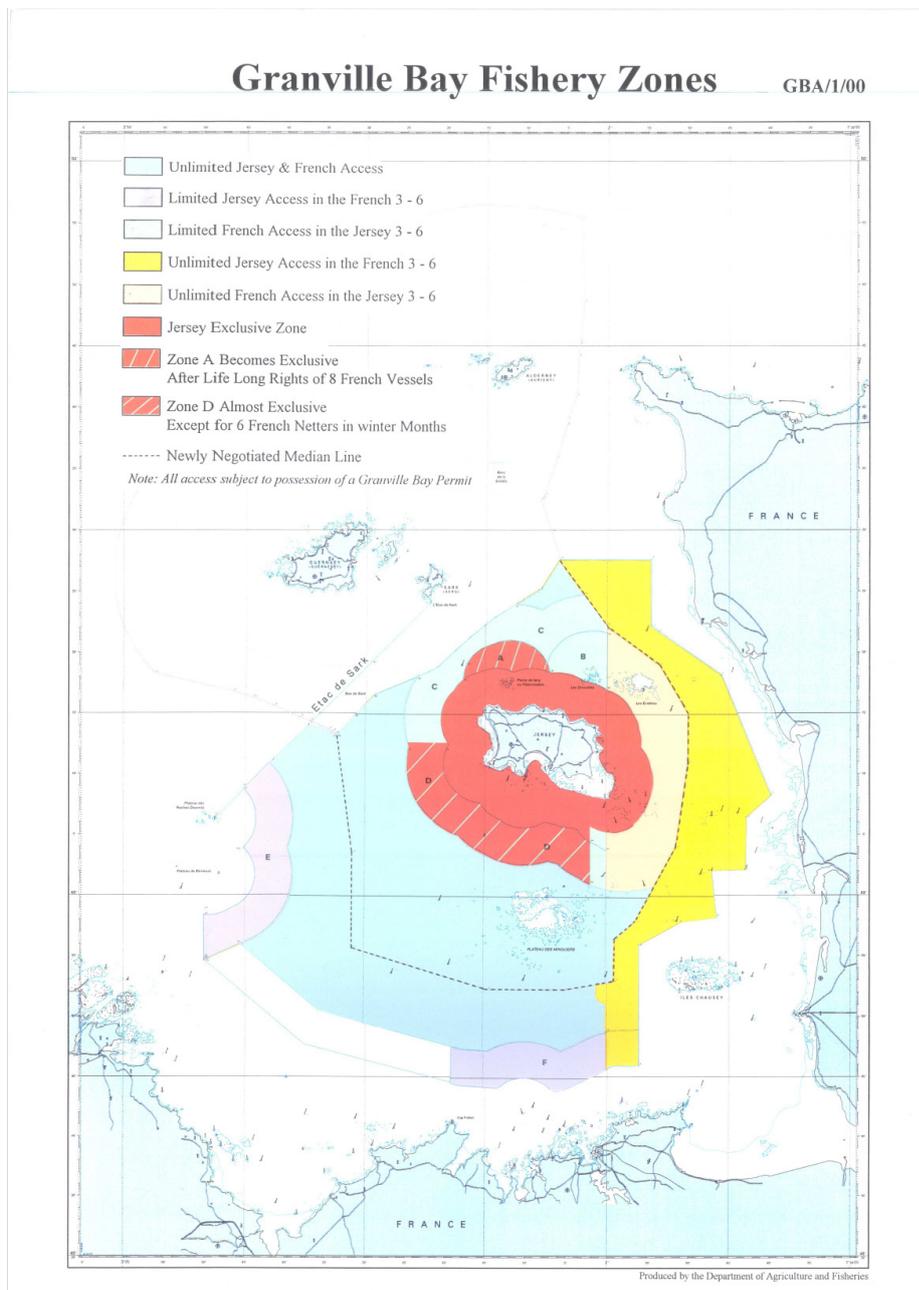
- To formalise the modus operandi and composition and review the objectives of the Marine Resources Panel.

Whilst this Strategy sets out its recommendations for marine resource management based on the current departmental structure and resources, it is clear that some of these recommendations might not be met under the current structure and within the current resource constraints. To address this shortfall the following recommendations are made;

- To identify service delivery requirements contingent on the outcome of this consultation with a view to submitting a business case for securing the necessary resourcing from 2013 onwards.
- To introduce electronic systems for delivering key services where these can be seen to improve efficiency, especially as regards licensing and quota allocation.
- To review staffing levels in the light of the review of staff effort against different activities and the agreed service delivery requirements and to take actions to avoid or manage key person dependence.

Executive Summary

- To pilot thematic project groups to identify and deliver efficiencies through synergies in enforcement, sampling and licensing.
- To transfer responsibility fisheries and marine legislation from EDD to the Department of the Environment and to establish a political oversight group to ensure the territorial sea is managed in a fully integrated way across Government.



Map 1 Granville Bay Fishery Zones

Introduction

The waters around Jersey, and in particular the waters that comprise the Island's territorial sea have value to many users in many different ways. For example, there are key environmental sites and marine species that are distributed across and beyond the territorial sea; electricity supply routes both to and from the Island; shipping routes and recreational boating; telecommunications cabling; commercial fishing by Jersey and French boats; aquaculture; recreational fishermen, surfers and divers. There are also a number of potential users of these waters, including marine renewable energy, whose impacts must be integrated with current users.

The Economic Affairs Scrutiny Sub-Panel report on the Rural Economy Strategy published October 2010 recommended that 'Jersey's marine and fisheries industry should not be included within the Rural Economic Strategy. It warrants its own comprehensive strategy.' This report is intended to fulfil that remit.

Government intervention, some of it implementing international regulations, is needed to regulate fisheries and marine resources for good reasons. Environmental resources are often valued by society, but there is rarely any free market mechanism that will protect them. Fisheries are a classic example of a resource that, if demand is high, will be excessively depleted or destroyed unless there is strong cooperation to restrict fishing, which, in an international context, can only be achieved by governments. Responsibilities in these fields are distributed across different sections of the States of Jersey Government, within the Department of the Environment, Economic Development Department and the Chief Minister's Department (International Affairs).

This report is consistent with priorities 1 (Get people into work) and 7 (Sustainable long term planning) of the States Strategic Plan and strategic aim 4 (Raise the productivity of the whole economy and reduce the reliance on inward migration) of the Economic Growth and Diversification Strategy. Consequently, the recommendations promote the ongoing sustainability and growth, within a proportionate regulatory framework, of a better managed and more productive fishing and aquaculture sector which has the propensity to maintain and create employment for local job seekers. It is clear that these areas are not 'high growth' sectors regarding employment in terms of the normal definition, the GVA per employee in overall employment terms is likely to be relatively high given the limited numbers of people employed within the industry. This paper sets out the state of play and recommended actions across the following areas;

- The economic development of the fishing industry
- Development of the marine spatial planning strategy
- Development of a prioritised monitoring programme
- Policy recommendations for international affairs
- Coordinating the Government's relationship with third parties

Introduction

This report has been compiled within the principles of the Integrated Coastal Zone Management Strategy (ICZMS).



Figure 2 South East Coast Ramsar site

THE COMMERCIAL FISHING AND AQUACULTURE SECTORS

Description of the fleet

1.1 The Jersey fleet has declined sharply over the last decade with the number of licensed boats and the total Vessel Capacity Units⁽¹⁾ reducing by 28% and 31% respectively⁽²⁾. However, these changes have for the most part been in the larger (over 10m) fleet that traditionally fished away from local waters and the smaller (under 6m) vessels. Much of the latter category were not registered as fishing vessels until licensing was introduced and were in reality used only occasionally on a commercial footing. As the regulations surrounding licensing have become more complex and the value of licenses increased, the owners of many of these vessels have sold the licences and only fish on a recreational basis.

1.2 The predominant vessels in the fleet, in terms of volume and value of fish caught, are in the 6-10m category and the Vessel Capacity Units for these has declined by just under 3%. This category provides for boats that are smaller and faster than their larger counterparts, that are perhaps more efficient in their operation, yet which retain sufficient size to allow a commercial level of operation. Such vessels are ideally suited for local waters and fish mainly within the Island's territorial sea.

1.3 The numbers of larger and smaller boats is now declining less sharply. At 2010 there were 17 licensed vessels over 10m and 82 licensed vessels of less than 6m. The 6-10 metre category has remained stable at an average of 61 vessels since 2005.

1.4 A number of the larger (over 10m) boats are specialised, including beam trawlers and scallop dredgers. These specialised boats cannot readily change their catch without major investment. The over 10m vessels are responsible for the majority of the scallop and whelk catch and a significant proportion of the wet fish catch.

1.5 With such a small fleet care must be taken when drawing conclusions from landing statistics since if one large boat changes target species it can completely alter the pattern of landings. For example, the whelk fishery varies hugely but in 2010 the majority of the catch was from a single over ten metre vessel whilst in 2011 the majority will have been from 2 under ten metre vessels.

-
- 1 Vessels Capacity Units (VCUs) are the way in which the fishing capacity of a vessel was measured until recently for licensing purposes. The number of VCUs of a vessels equates to the registered length overall in metres multiplied by the registered breadth of the vessel added to 0.45 of the engine power in kW.
 - 2 Fisheries and Marine Resources Annual Report 2010. Fisheries and Marine Resources, States of Jersey

1 THE COMMERCIAL FISHING AND AQUACULTURE SECTORS

1.6 Whilst a small number of the 6-10m vessels are specialised wet fish boats the majority catch both wet fish and shellfish depending on stocks and value. This flexibility is considered essential for the ongoing viability of the fleet. The 6-10m vessels are responsible for the majority of the lobster catch (Figure 3).

1.7 The greatest part of the fleet by number is the under 6m vessels. For the large part these may be viewed as part-time. As with the 6-10m vessels, these smaller boats are flexible in their catch. Overall the value of the reported catch for these smaller vessels is minimal in comparison to the value of catch for larger vessels, in particular as far as shellfish are concerned. However, for species such as bass the under-6m vessels are responsible for a significant proportion of the recorded catch (Figure 4). It is worth noting that the economic performance of fishing boats is not necessarily related to their size but is contingent on how efficiently they are used, so that a smaller boat run well can provide a greater profit than a larger boat run badly.

1.8 The value of the catch at first landing is recorded for all commercial fishing and demonstrates the overall importance of the lobster fisheries (and markets) to Jersey's fleet. In 2010 shellfish made up over 90% of the value of the catch, and lobsters alone made up 49% of the total value.

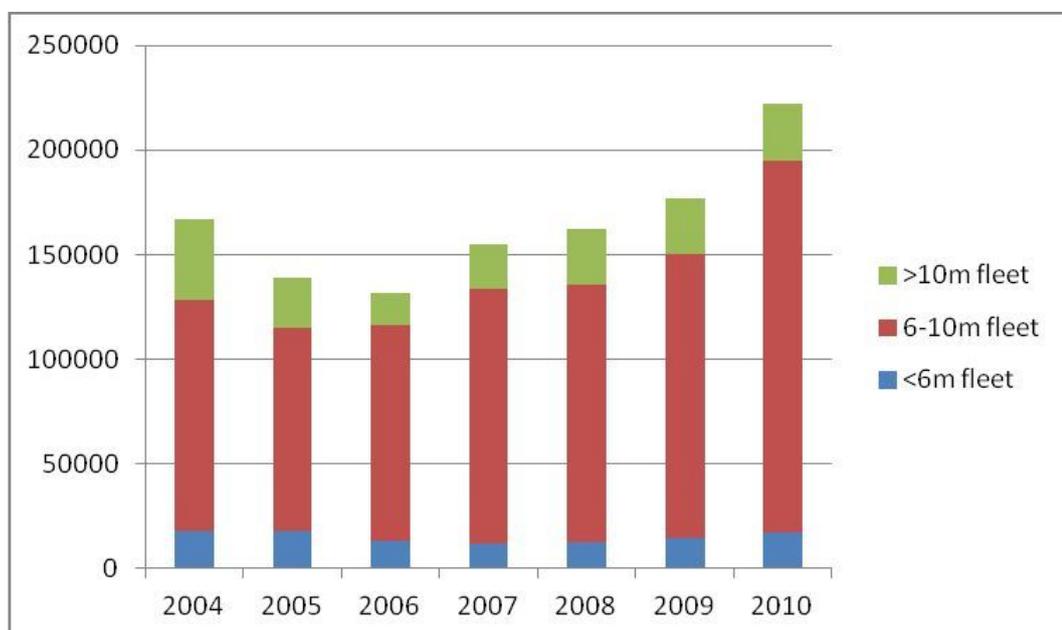


Figure 3 Lobster catch (kg) by the different size categories of vessel, 2004-2010

THE COMMERCIAL FISHING AND AQUACULTURE SECTORS

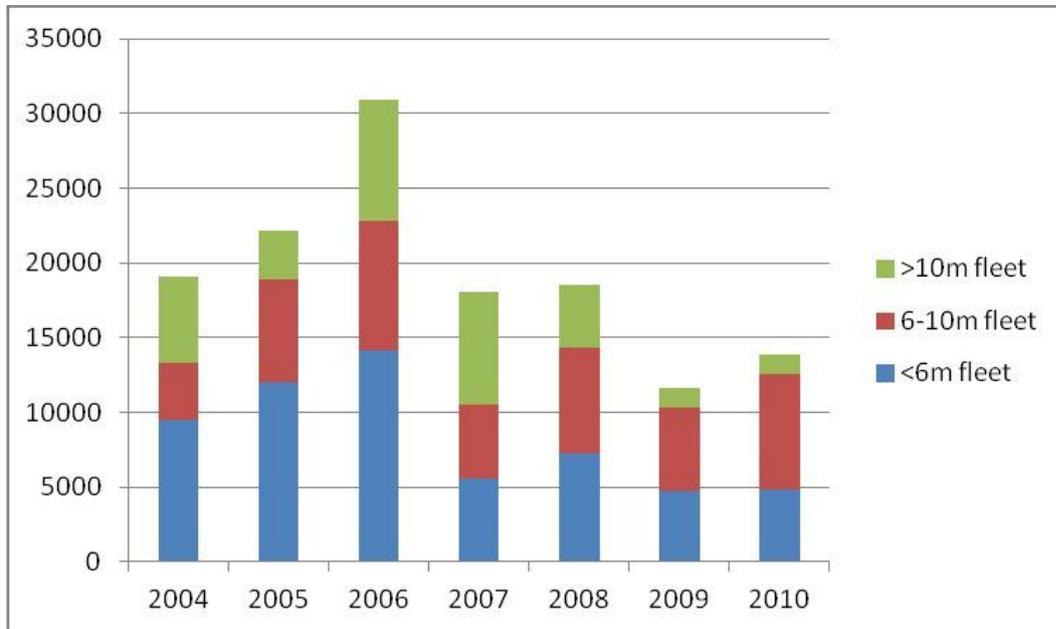


Figure 4 Bass catch (kg) by the different size categories of vessel, 2004-2010

Economics of the fleet

1.9 Data from the States of Jersey⁽³⁾ indicates the 2010 values at first landing for shellfish and wet fish and data from Seafish UK⁽⁴⁾ provides an indication of operating costs for 'average' vessels using 2009 data. For vessels in the 6-10m range using pots and traps the analysis in Table 1 is possible.



Figure 5 Spider crab, lobster and brown crab

3 Fisheries and Marine Resources Annual Report 2010. Fisheries and Marine Resources, States of Jersey

4 Curtis, H. & Brodie, C. 2011. 2009 Economic Survey of the UK Fishing Fleet. Seafish, Edinburgh, EH7 4HS

1 THE COMMERCIAL FISHING AND AQUACULTURE SECTORS

	Data from Seafish economics	Data adjusted to Jersey 2011
Fishing income	£44,280	* £61,149
Non-fishing income	£2,584	£2,584
Total income	£46,864	£63,733
Fuel costs	£5,528	** £7,476
Crew share	£11,422	*** £15,287
Other fishing costs	£2,533	**** £2,846
Total fishing costs	£19,483	£25,609
Total vessel costs	£9,084	**** £10,207
Total operating costs	£28,566	£35,816
Operating profit	£18,297	£27,917
Depreciation	£4,331	£4,331
Interest	£835	£835
Other financial costs	£186	£186
Net profit	£12,946	£22,565
<p>*2010 figures</p> <p>**adjusted to 2011 average fuel price of 60 ppl</p> <p>*** crew share fixed at 25% value of catch</p> <p>****increased by an assumed 6% per annum</p> <p>Bait is included within 'other fishing costs' and may be underestimated for the Jersey fleet.</p> <p>Gear is included within 'total vessel costs'.</p>		

Table 1 Fishing industry economic data

THE COMMERCIAL FISHING AND AQUACULTURE SECTORS

1.10 What this shows is that although Jersey boats are more profitable and income is higher than equivalent UK boats even in a good year (as 2010-2011 seemed to be) the average net profit achieved by fishermen remains relatively low. Clearly there is variation between boats and skippers that these average figures will mask so that some fishermen will perform better in terms of greater fishing income and some will perform less well; some fishermen will operate with greater efficiency and so reduce their operating costs whilst some will perform less efficiently.

1.11 Fuel prices rose sharply in 2008 before falling again, but nevertheless the cost of diesel has increased from in the region of 38 to 60 ppl between 2009 and 2011. Further to this, the majority of fishing tackle is manufactured from plastics and so is dependent on oil price too and bait, usually stored at -20°C, increases in cost as energy prices rise.

1.12 Other costs (licences, finance) are not directly dependant on the oil price. Licences remain relatively expensive and as a restricted resource it is assumed that they will remain so. Shortages of bait have led to price rises, with bait costing on occasions more than the value of the catch

1.13 However, efficiencies do not relate simply to operating costs but are impacted upon, in particular, by fishing effort and the simple ratio of effort:catch. In the long term, assuming a viable market for the catch, it is this ratio that will determine the future success of Jersey's fleet. As effort increases so do operating costs and unless these are matched by increased catch, or increased prices, then net profit will fall.

Support for the commercial fishing sector

1.14 A large proportion of Jersey fishermen support the Jersey Fishermens' Association and the Jersey Inshore Fishermens' Association on a voluntary basis. These organisations provide representation of fishermen and some degree of collective industry development e.g. through joint purchasing of fuels and through the development of training for new entrants.

1.15 Within the UK the fisheries sector is subject to a compulsory levy, which is used to support the activities of Seafish (the Sea Fish Industry Authority). Seafish's activities are aimed at promoting the profitability of the industry as a whole, for example, by providing market information and analysis, by raising standards through training and by providing a communications / public relations platform. The justification for a compulsory levy is that for many collective actions there will be 'free riders', who benefit from the activity but who would not contribute voluntarily to the costs. The fisheries industry on Jersey is not of sufficient size and scale to operate a compulsory levy. However, the same problems of 'free-riders' are apparent and will present a barrier to the sector developing itself.

1 THE COMMERCIAL FISHING AND AQUACULTURE SECTORS

1.16 The impacts of this may be exacerbated by the revised EU Common Fisheries Policy, in which it is proposed that support will be provided through the European Maritime and Fisheries Fund with a focus on collective actions, including support to producer organisations, marketing and business development. That is, the fishing fleets with which Jersey's fishermen compete will be in receipt of direct support through the EU.

1.17 Assuming that Jersey wishes its' fishing fleet to remain viable, but that it does not wish to undertake this at 'any cost', interventions that help the industry to help itself, should be examined.

Policy M 1

Fishing industry - support from Government

To review the level of support given to commercial fishermen in the light of reforms to the Common Fisheries Policy.

1.18 Future support for the economic development of the fishing industry can also be justified by the contribution that fishing makes to the 'look and feel' of Jersey, by the potential value added by fishing through the hospitality and tourism sectors and by the fact that fishing employs many Jersey residents who would not otherwise find employment in the financial or other high-value sectors.

Policy M 2

Economic value to Jersey of the fishing industry

To determine the economic value of the fishing sector to the tourism and hospitality sectors and develop a long term business development programme including fisheries, processing, trade and consumption.

1.19 Reducing operating costs to a large extent means fishing more effectively e.g. by consideration of the optimal speed of boats so as to conserve fuel and by consideration of the types of boats used.

1.20 Areas in which operating costs may be optimised in shell-fishing include a) using fuel efficiently, b) ensuring that the hands used on the boat match the pot numbers fished and c) making better use of fewer pots. Clearly there are balances to be struck in each of these areas and it would be prudent for Jersey fishermen to adopt and promote a small number of key performance indicators in order that they can benchmark their activities against each other.

THE COMMERCIAL FISHING AND AQUACULTURE SECTORS

1.21 The use of key performance indicators has been successfully introduced in many areas of agriculture and food production. Whilst the costs are minimal, the cultural and behavioural changes that are necessary for producers to share performance measures can be significant. As such, for many producers the use of key performance indicators has only taken off subsequent to intervention by training and development organisations.

Policy M 3

Fishing industry - use of Key Performance Indicators

To investigate the potential net value to be gained by promoting the use of key performance indicators and benchmarking amongst Jersey's commercial fishermen.

1.22 Fisheries management does not always align itself with improving short-medium term profitability. For example, in some areas more efficient pots have been banned so as to improve long term catch rates.

Permits to fish

1.23 One of the advantages of a fishing fleet that is flexible in its catch is that when one species declines in number or in profitability then fishermen can move to target more abundant or more profitable species. This boom-and-bust approach to fisheries management is superficially attractive but fails to take account of the costs of transferring between species and of the potential damage that is exacted on the marine resource by over-fishing.

1.24 However, whilst effort is expended on every pot fished then managing the marine resource to optimise the landings per unit effort is a further possible way forward. The Jersey Fishermen's Association (JFA) has proposed a permit system as a means to manage the marine resource.

1.25 Fishing is currently restricted by limitations on effort; by the licensing of boats which presents a financial barrier to entry, through limitations on pot numbers for licensed boats and further restrictions by shellfish qualified/unqualified licensing. There is a limit on the number of boats licensed to fish in the Granville Bay area (see Map 1). However, there is no restriction on the number of boats that can be licensed within the 3 nm limits (shown as Jersey Exclusive Zone see Map 1) and so any reduction in the pots per boat here can be countered by an increase in boat numbers.

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1.26 Jersey's fishermen are not thought to be utilising their full allocation of pots, indicating that at the current time there is licensed capacity to increase the levels of shell fishing.

1.27 However, the lobster catch appears to be fairly well exploited, the evidence for which being that relatively few lobsters are caught that are above the minimum landing size. It is unknown whether or not the ratio of effort: catch (Landings Per Unit Effort) has been optimised.

1.28 There is no incentive for fishermen to reduce their effort and so potentially fish more profitably whilst there remains a relative free-for-all, which makes fishing overall less profitable and dis-incentivises better resource management.

1.29 A permit system would act as an additional layer of restriction to boat licensing and setting of maximum pot numbers. On a species-basis, a permit system could be introduced that would allow a fisherman to target that species for a 12 month period after which the permit would be renewed. Permits would not be free but would need at the very least to cover their administration costs. Whilst permits would give effective 'ownership' (or, whilst they are non-transferable and time limited, 'custody') there should be a net benefit to participating fishermen.

1.30 A permit system would provide the ownership necessary for better custody of the marine resource, by restricting the ability of new fishermen to come in, and restricting the ability of existing fishermen to add further boats. Decisions on the issue of permits to new boats, or to new skippers, would be made on the basis of a) the need to allow fresh businesses into the sector, b) data on landings per unit effort and c) any other environmental considerations of the Marine Resources Section of the Department of the Environment. Permit holders would be tasked, as a group, with implementing better management of their activities (including setting catch levels, minimum landing sizes and so on) so as to reduce the effort:catch ratio.

1.31 These permits should be non-tradable. Whilst tradable permits may be considered appropriate to deliver the most economically efficient exploitation this is before other factors are taken into account. For example, on a case by case basis economic efficiency may be a relatively minor issue and factors such as the availability of capital may be equally important in determining their allocation - especially between small business operations. Furthermore, a tradable permit system for sea fishing introduces a significant capital outlay to be paid for by maximising rather than optimising the extraction of resources and as such runs counter to the primary aim of marine resource management, which is to ensure that any exploitation is sustainable.

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1.32 However, the advantage of introducing a permit system over the current licensing system is primarily one of giving custody of the marine resource to fishermen as a means of encouraging good resource management. For many stocks this may be deemed unnecessary, or excessive, given that the current licensing arrangement and limitations on fishing available to the States of Jersey do allow for successful management.

1.33 Nevertheless, for some stocks that are currently fished at relatively low levels, non-commercially, a permit system may be an appropriate route to allow commercial fishing in compliance with the Common Fisheries Policy whilst avoiding over-exploitation. The Marine Resources Section, which currently monitors the commercial catch at first landing and undertakes research into stock levels, should be the final arbiter in deciding which stocks are successfully managed, which should have a permit system introduced, and the number of permits appropriate for sustainable resource management.

1.34 Outside the 3nm limit any such permit system will need to be taken forward through the Granville Bay Joint Advisory Committee and Joint Management Committee.

Policy M 4

Species permits for commercial fishermen

To pilot the use of a permit system for the commercial exploitation of a limited number of target species.

Economic development

1.35 Data from the fish halls at Granville⁽⁵⁾ indicate that the price paid per kilo for lobster and brown crab is declining. From 2008 - 2010 the price achieved for brown crab fell by 4.5% whilst that for lobster fell by 14.5%. The price paid per kilo for spider crab increased by 17.7% in the same period, although over the longer term this too has decreased. Other fisheries are known now to be exporting brown crab to the live Chinese market.

1.36 Despite Jersey's record landings in recent years, the overall lobster catch as a percentage of European lobster landings has dropped significantly. Further to this, price volatility related to bad weather spikes

5 Donnees Statistiques, 2010. France AgriMer. Donnees de ventes declarees en halles a maree. *France AgriMer, 2011*

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is now being offset by the universal nature of lobster catches and traditionally important European markets are threatened by wider economic uncertainties, whilst markets in the east appear to be opening up.

1.37 The seemingly steady decline in the price paid/kg of the principle catch presents a challenge to the economic development of Jersey's fisheries. Recent bans on landing the undulate ray (which is critically endangered) may have further impacted on the wet fish sector, although the figures from 2011 did not show a significant loss.

1.38 There are a number of options that might be considered for the economic development of the sector, including; improving operating efficiencies, getting the most from available markets, developing new markets, adding value, diversifying and protecting the structure of the marketing sector.

1.39 Improving operating efficiency may be achieved in the short term by addressing fuel efficiency, labour use, etc (see above). Increasing operating efficiency by the adoption of environmentally damaging fishing techniques is clearly not an option for consideration. In the longer term, better management of the marine resource (including for example the voluntary reduction of effort within a permit system, to increase stocks) should decrease the effort needed per unit catch and so improve efficiency further, albeit with possible short-term losses for fishermen.

1.40 Developing the markets for the marine harvest is multi-faceted. Some of the larger Jersey boats are now landing their catch directly into France so as to achieve a better price. For smaller boats and for part-time fishermen this is much less of an option and for all boats it carries its own costs and so must be balanced against the size of the catch. New control measures impose VMS (Vessel Monitoring System) and ERS (Electronic Reporting Systems) on vessels over 12 metres that fish or land outside the 12 nautical mile limit, adding further costs to fishermen wishing to land into France.

1.41 A number of owners have developed their own local markets and marketing businesses, running mobile stalls and offering online fish sales, as well as conducting cooking demonstrations and developing a market for many species which would otherwise be viewed as discards as they are not part of the 'typical' fish plate.

1.42 Landing directly into France will clearly improve margins but it does not address the long term decline in prices. Furthermore, for so long as the majority of the fleet needs to land in Jersey then the local traders are key. The reduction in trade volume resulting from some fish being landed directly into France will have a detrimental effect on the resilience

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of these local traders. There is an argument that direct landing into France has caused lower prices in Jersey, since the operating costs of these traders remain fixed irrespective of their trade volume.

1.43 Jersey lobster is now Marine Stewardship Council (MSC) accredited. The MSC accreditation provides a form of market incentive to fishermen to better protect and manage the marine environment in which they fish, so delivering elements of the Marine Resource Section's objectives without recourse to States intervention. As yet it is not thought that the accreditation has been fully commercially exploited, with little buy-in from either fishermen or merchants. Lobster is sold primarily to France, on the wholesale market. However, it is also sold within Jersey and exported to the UK. There is scope to develop market advantage using the MSC accreditation; in France but also in the UK. It is notable that the processed lobster which is sold in the UK's higher-end retailers is neither MSC accredited nor from the UK.

Policy M 5

Funding of Marine Stewardship Council lobster certification

Government to continue to fund the costs involved in MSC accreditation until June 2015, after which point a part or all of such costs should be transferred to fishermen through formal agreements with the Jersey Fishermens' Association and Jersey Inshore Fisheries Association.

1.44 MSC accreditation might also be used within a wider promotion of Jersey as a place that could and should be known for its fish. Jersey's many restaurants, its recreational and tourist fishing and its coastal nature all lend themselves to the promotion of Jersey fish and shellfish.

1.45 Diversification of the fishing industry has limited but relevant potential. Further processing of the catch is not necessarily a trade that fishermen would immediately opt for but it provides the scope to add value. Whilst boats are run with very few hands there is limited capacity for fishermen themselves to involve themselves in such businesses. However, Jersey's food businesses (including fishmongers) are relatively well developed and there is the potential for these to develop packaging and branding for Jersey caught fish as has already been achieved in aquaculture.

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Policy M 6

Marketing and support

Economic Development should undertake some analysis of the processing infrastructure in Jersey with a view to considering what support could be provided for infrastructure investments that add value through processing, packaging and branding for Jersey caught fish.

1.46 Multiple retailers in the UK and elsewhere do sell processed shellfish such as dressed lobster, typically using Canadian lobster. Entering this market would require that Jersey fishermen and/or traders developed their own processing and trading organisation, either privately or through a public-private partnership.

Policy M 7

Marketing support

Economic Development should provide support, through Genuine Jersey, for market research and development that leads to successful, sustainable and profitable use of the Marine Stewardship Council accreditation.

1.47 Experience in other fisheries has demonstrated that a strong processing and trading organisation can support local fisheries to such an extent that additional traders prosper in addition to the main buyer and processor. Where ownership of such trading organisations lies is less relevant than the branding of the processed fish and the use of the Jersey name to denote where caught.

Policy M 8

Marketing support and added value

Economic Development should explore the potential of establishing a joint processing and trading organisation for fishermen and traders to add value and secure markets for Jersey caught fish.

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1.48 Diversifying away from fishing e.g. towards tourist charters, wildlife charters and recreational fishing, is of interest here inasmuch as the selling point for such activities would be Jersey's marine resource. However, it is not believed that Jersey's fishermen need to diversify away from fishing in order to make a living, since income (Table 1 'Fishing industry economic data') is generally better than for comparable UK fishermen, and the value of key species remains relatively high. Such activity would however provide opportunities for fishermen who wished to lessen their reliance on commercial fishing.

1.49 The economic development of the fishing industry is addressed in part through the Department of the Environment and in part through the Economic Development Department. Some elements of economic development require the input of fishermen and traders alike, e.g. it is traders who are better positioned to drive forward the marketing of Jersey branded shellfish and wet fish. Therefore, support offered to fishermen through the Department of the Environment cannot always directly target the relevant sector for the development of the market for Jersey's fish.

Policy M 9

Single point of contact in Government

To define a single point of 'first contact' in Government for issues relating to the economic development of the commercial fishing industry. This point of contact may be separate from the management of the marine resource.

New entrants

1.50 There are relatively few older crew members working on Jersey's boats. Deck hands will start at between 18 and 22 years of age and will move from boat to boat to gain a better income but will usually opt to find employment elsewhere after between six months and a year. There is no direct career-ladder for fishermen and whilst there is scope for deck hands to start out on their own there are significant financial barriers to this. The apparent lack of opportunities to progress deters many from starting in the industry and crew shortages have been an issue in the past.

1.51 The Jersey Fishermen's Association is addressing skills needs and development through its apprenticeship scheme.

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1.52 Two additional schemes are worth consideration: supported licensing for young fishermen - as proposed in Guernsey⁽⁶⁾ and also in Jersey⁽⁷⁾; and a matching service between older fishermen approaching retirement and younger fishermen needing to build up the equity to launch their own independent fishing careers.

1.53 Supported boat licensing would remove one of the major costs of starting up in fishing and would allow new entrants a period of time to operate and so to build up the finance necessary to purchase their own licence. Offered for a limited period of time (e.g. over three years) additional criteria might be applied to ensure that licenses were only 'loaned' to genuine new entrants. These could include i) a business plan demonstrating how the applicant intended to create a surplus over the 'free period' so that they could purchase their own licence at the end of this; and ii) completion of the apprenticeship run through the JFA.

Policy M 10

Supported commercial fishing licences for new entrants

To explore the possibilities for supported boat licensing and to determine the costs and the economic benefits that would accrue from such a scheme.

1.54 Fishermen approaching retirement have the opportunity to support new entrants to the industry by allowing an increasing level of responsibility and even investment in their operations. Put simply, a deckhand might agree to take a lesser share of the catch in return for a marginally greater investment in the boat; and would take an increasing level of responsibility. This might last beyond the retirement of the skipper, after which the 'new entrant' would skipper the same boat but offer a proportion of the return to the retiree and/or continue to buy out the retiree. Whilst such arrangements rely on the relationships between both parties there is a place for support, in terms of standardised agreements as to how the arrangements might work, what contingency planning is necessary, levels of responsibility and so on.

6 Government comment on support for new entrants. States of Guernsey

7 Webster, S.D. 2011. Labour Market Intelligence for Rural Businesses. Report to Jersey Enterprise

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Policy M 11

Succession planning

Jersey Business to provide business advice support to fishermen and to new entrants within a 'succession matching service'.

Emerging fishing technologies

1.55 As fishing technologies develop fishing becomes more efficient, bringing the potential for increased levels of exploitation of the marine resource on the one hand, and better targeted, less damaging, less exploitative harvesting of the marine resource on the other. For example, technologies may help scallop dredgers to target areas in which they cause less damage. As such there is a continued need to monitor emerging fishing technologies to identify which would help and which may damage Jersey's marine resources, and which could be evaluated or supported under the Rural Initiative Scheme. This is a 'watching brief' that is dependent for its success on the continued links with research institutes in France and the UK.

Policy M 12

Emerging fishing technologies

To continue to monitor emerging fishing technologies and identify those which would be of potential benefit to Jersey's marine resource.

Aquaculture

1.56 The Aquaculture Strategy was produced and published in 2009 and set out a series of actions for industry and for the States of Jersey. A review of these actions in the light of subsequent work undertaken by the Department of the Environment indicates that three key areas remain to be addressed; guidance on planning and environmental impact assessments, a code of conduct for aquaculture, and economic development. These are set out below.

1.57 Planning, licensing and EIA guidance. Resolving discrepancies in planning regulations (e.g. regarding the need, or otherwise for planning for sub tidal structures) and in the breadth and depth necessary within Environmental Impact Assessments (EIAs) for aquaculture activities would reduce the bureaucratic burden on industry. Planning regulations (and

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associated EIAs) are clearly necessary and for the public good, but the processes should be appropriate to the scale of operations and wherever possible the planning process should not in itself be a barrier to economic development. A recommendation to review the planning process for the marine environment is included in Chapter 5 of this strategy. That review would usefully take into account the needs of the aquaculture industry, including shore-based and land-based activities.

1.58 With regard to aquaculture the current planning process is run in parallel with a system of concession-based licensing. That is, separate licences are issued to aquaculture businesses for each sub-tidal area to be used for aquaculture production. However, the planning considerations and Environmental Impact Assessments might as easily be completed on an 'area basis' i.e. for a whole section of shore, with the costs then being divided between those businesses that the States of Jersey licenses to operate there.

Policy M 13

Aquaculture and area-based planning

To introduce area-based planning for aquaculture concessions in key locations and streamline the dual planning and licensing processes.

1.59 A code of conduct for aquaculture. A code of conduct for aquaculture would be of benefit to the industry, in setting out their minimum standards of operation and avoiding the pressure to undercut these for short term gain. There is also benefit to the States of Jersey, since a code of conduct would necessarily set out the standards and/or best practice to achieve compliance with relevant environmental, animal health, food hygiene and planning regulations. A code of conduct was recommended within the Aquaculture Strategy after consultation and agreement with the sector.

Policy M 14

Code of Conduct for aquaculture

To introduce a Code of Conduct for aquaculture during the fourth quarter of 2013.

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1.60 Economic development. As with the capture fisheries sector, economic development in the aquaculture industry falls between the legal and technical guidance that can be provided by the Department of the Environment and the business advice that can be provided by Jersey Business Ltd. In practice, because of the specialist nature of both capture fisheries and aquaculture, there is not a distinct line between these. The Economic Growth and Diversification Strategy recognises the role that the rural economy plays in contributing towards the future success of Jersey. As with capture fisheries, there is significant potential to strengthen and develop the processing and marketing of Jersey's aquaculture products and to link these more closely with the tourism offer. The greatest return on investment by the States of Jersey is likely to be achieved by support of collective actions by these sectors.

Policy M 15

Adding value to aquaculture products

The aquaculture sector should be encouraged through Jersey business towards actions leading to higher added value and productivity from their primary production base.

1.61 Water quality. There has been an ongoing debate between the aquaculture sector and the States of Jersey regarding the classification of shellfish concessions in accordance with the EU Food Hygiene Regulation 854/2004, the associated water quality around Jersey, and the expectation by the industry that Jersey's coastal waters should be characterised by Class A concessions.

1.62 Shellfish beds are classified according to the extent of contamination of shellfish flesh with *E. coli* bacteria. The extent of contamination is a function of water quality. Shellfish from a Class A bed can be harvested direct for human consumption, whilst those from a Class B bed require treatment prior to sale. Shellfish from a Class C bed require a protracted period of relaying and additional treatment prior to sale, although it should be noted that there are no Class C concessions on Jersey.

1.63 The Department has recently assisted the industry by issuing seasonal classification that provides some Class A classifications during the summer months, reflecting test results. The Centre for Environment, Fisheries and Aquaculture Science (Cefas), an agency of the Department of Environment, Food and Rural Affairs (Defra), has undertaken a sanitary survey of the shellfish growing areas and recognise that Class A beds

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would be difficult to achieve given the high human and animal population that border the concession areas in Jersey. Class B concessions are also the norm across the UK and France.

1.64 It follows that Jersey's aquaculture sector should not expect or plan into their businesses anything higher than Class B status. The States of Jersey uses public funding to achieve many water quality targets on the basis of the protection of human health. To incur significant costs in an attempt to exceed these on the basis of providing a possible private benefit is not within the remit of the Department of the Environment.

1.65 The value of aquaculture to Jersey. Whilst aquaculture businesses are believed to have achieved a gross income in the region of £3.8 million in 2011, their contribution to the States of Jersey in financial and social terms remains unquantified. Aquaculture concessions represent a cost to the States directly in terms of officer time and they exploit a resource which is owned, in effect, by all Jersey residents. As such, it would be pertinent for the Department of the Environment to work with the Economic Development Department to explore the various ways in which the value of concessions might be better captured for the benefit of Jersey residents.

Policy M 16

Economic review of aquaculture

To commission an independent economic review of the charging structure for the aquaculture industry, and value of the aquaculture industry to the people of Jersey.



Figure 6 Aerial view of Jersey's oyster and mussel beds

THE RECREATIONAL FISHING SECTOR

Description and value

2.1 Estimates of involvement in recreational fishing by Jersey's population have been made based on the outcome of the [Jersey Annual Social Survey \(2010\)](#)⁽⁸⁾, which asked questions on whether and how frequently respondents fished in the sea around Jersey. Thirteen percent of respondents reported rod fishing from the shore *up to* five times per year and ten percent reported that they fished with a rod from a boat or kayak up to five times per year. About one in fifteen (7%) fished from the shore *more than* five times per year, with similar figures for fishing from a boat or kayak. Less than one in ten (8%) of adults reported fishing from the shore without a rod (ormering, prawning, netting, scallop diving) up to five times a year and fewer still (around 4%) reported using a boat or kayak for this purpose. Approximately one in a hundred reported undertaking this form of fishing more regularly although 'such small percentages should be treated with appropriate caution'⁽⁹⁾

2.2 The commercial value of recreational fishing includes equipment and bait purchases, boat purchases and maintenance, and for 'tourist fishing' the additional expenditure on accommodation and so on. Sales from angling retailers in Jersey are thought to be in the region of £0.5million per year. The extent to which the value of boat purchases and maintenance can be attributed to recreational fishing is unclear as many boats will be used for fishing and non-fishing recreation. However, a recent Scottish study⁽¹⁰⁾ indicated that the average annual spend by adult sea anglers is in the region of £1,516 (including all costs). Applying this figure to Jersey would indicate the value of recreational fishing to be in the region of £15 million, although it should be noted that a large proportion of this value will be off-Jersey, e.g. fishing tackle purchased from the UK or elsewhere. In addition, there is also a question of what amount of this is additional to the Jersey economy. Domestic expenditure in particular might simply be a substitute for expenditure on other local goods and services. Similarly, the tourist spend will most likely only be additional where it attracts additional tourists or causes tourists to spend more than they would otherwise have done.

2.3 However, looking at commercial value alone detracts from the significant *welfare value* that might be ascribed to recreational fishing. To focus on recreational fishing as a commercial activity misses the point; that the freedom to fish provides a very real, although non-monetary, value to a relatively large proportion of Jersey residents.

8 Jersey Annual Social Survey, 2010. Statistics Unit, States of Jersey

9 Jersey Annual Social Survey, 2010. Statistics Unit, States of Jersey

10 Technical Report. Economic Impact of Recreational Sea Angling in Scotland. The Scottish Government, Edinburgh 2009.

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Impacts of recreational fishing

2.4 Recreational fishermen are less regulated than commercial fishermen inasmuch as they have a smaller minimum landing size for sole and skate, are not subject to the ban on undulate ray, and are unrestricted in crab and lobster catches or quota catches and in the number of pots they set.

2.5 Some recreational fishing does operate on the border of being commercial fishing i.e. fishing that is undertaken with the intention of generating some level of income, either monetary or otherwise, and can impact on other shore users. Hence there are issues to be resolved in terms of equity, especially as far as allowable catch is concerned and of use of the 'shore resource' through netting and long lining. Moreover, it is quite possible that some individual 'recreational' fishermen will take excessive quantities of fish for their own consumption or for distribution, whether or not for commercial gain. Stocks of fish in Jersey's waters are not an unlimited resource and there are points at which such fishing becomes exploitation, which may then have a negative overall impact on the marine environment and will potentially impact on other (non-fishermen's) enjoyment of the marine resource.

Policy M 17

Catch data from recreational fishing

To develop and implement a system for recording a sample of recreational fishing catches and making robust estimates of the overall recreational catch by species.

Needs of the recreational fishing sector

2.6 The case of bass fishing demonstrates many of the needs of (and issues held by) the recreational fishing sector. Conflicts arise between anglers and other fishermen, in particular those netting on the shore; fishing stocks fluctuate (and in the case of bass have appeared to decline) with no discernible relationship to the levels of recreational fishing practiced; there appears little that individual fishermen can do to resolve these issues and there is little by way of communication to individual fishermen on what is being done at a wider level to resolve them. Taking each of these in turn;

2.7 Conflicts between anglers and other fishermen (commercial and recreational) arise in part because whilst angling takes up a set portion of the sea for the period of time for which the angler is present, other types of fishing (netting, long lining and potting) remove set portions of

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the sea for potentially unlimited times, and with little restriction on the areas that can be removed. This is primarily an issue of fairness: with anglers perhaps feeling the removal of 'free space' to be unjust.

2.8 However, the rights of one person to practice one type of fishing are not any different from the rights of another to practice another type of fishing. The netter has an equal right to net as the angler has to angle! Examining the different types of fishing in terms of their impacts on other users is perhaps useful. Whilst the impacts of angling are minimal and are restricted to the time that the angler is present, the impacts of netting and of long lining from the shore are that they prevent other people from using and enjoying that space for protracted periods and they take up a far greater space than would be the case for an individual angler. A similar effect is seen when angling competitions take place, wherein a particular space in the sea area will be taken over by a body of anglers for a protracted period, so precluding others from the enjoyment of that space.

2.9 Netting and long lining can also impact on other (non-fishing) beach users. Whilst netting and long lining are the major concern here it would be hoped that by a system of licensing ⁽¹¹⁾ the practice can be continued but in a managed way that can be controlled and that takes better account of other users.

2.10 Netting and long lining are both practices which can border on commercial exploitation. Protecting the rights of individual fishermen to catch for their own consumption must be balanced against managing the commercial exploitation of shore fisheries. As a system of control each of these fishing practices should be allowed only under license.

2.11 The establishment of 'restricted metier' ⁽¹²⁾ fishing zones, i.e. areas in which the *types* of fishing practiced are restricted, would provide a managed space in which rod-fishermen would be able to fish without coming into conflict with others. These zones could be situated in the popular rod-fishing areas and whilst not large they would be hoped to remove some of the conflict between rod-fishermen and others. To this end, netting and long-lining would not be allowed in these areas (see Policy M26 in 'Reducing and resolving conflicts').

2.12 Dealing with issues of fluctuating (and perhaps declining) stocks requires a joined up approach across the whole geographical range of a species. Whilst Jersey's catch of bass has generally decreased since 2006 when it peaked at 30,000 kg, Guernsey's catch peaked in 2005 at 173,000 kg and has subsequently declined year on year by between 9,000 and

11 Recommendations on licensing are provided in Chapter4

12 Metier is the word used to describe a group of fishing operations targeting a similar species, using similar gear and characterised by similar exploitation patterns

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29,000 kg per year⁽¹³⁾. It is possible that Jersey's and Guernsey's bass are of the same stock. Hence whatever management regime is implemented in Jersey to protect bass stocks should be put in place with matching regimes in Guernsey and French waters. The benefits of a more stringent management regime might ultimately benefit all parties. However, that this is a more complicated, protracted and difficult to negotiate stance than unilateral Jersey action, and that there is ongoing work in these areas, is perhaps not seen by many recreational fishermen.

2.13 Communication with recreational fishermen on these relatively complicated issues appears insufficient as things stand. Recreational fishing is a pastime which by its very nature is isolated. However, the development of social media presents an opportunity to the Marine Resources section to communicate a wide range of issues to this audience without the need for intermediaries, poster campaigns or fliers in tackle shops. For example, a Twitter account would easily and quickly announce to recreational fishermen any relevant information that needs to be communicated.

Policy M 18

Use of social media to communicate key issues

To establish and implement a communications plan including a pilot of the use of social media to communicate key issues to recreational fishermen.

2.14 Ultimately it should be recognised by commercial and recreational fishermen alike that they have a shared interest in maintaining the marine ecosystem. Both are valuable assets in Jersey's economic and social heritage. In the short term they may compete for use of a limited resource, but in the long term both commercial and recreational fishermen need the marine resource to be offered some form of protection. This involves managing access to and exploitation of the seas by both parties and ecosystem based approach to stock and habitat monitoring and management.

13 The catch will decline for reasons other than a decline in stocks, in particular as a result of reduced fishing effort, but the overall indication of these statistics is that the stocks are likely to be in decline

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Potential for growth

2.15 The recreational fishing industry on Jersey is primarily focused on the home-market. However, events such as the annual Bass Festival bring in fishermen from elsewhere and in so doing generate revenue for the Island, and fishing is one of many attractions that helps to draw tourists to Jersey.

2.16 Jersey's recreational fishing sector does have potential for growth as an element of the tourist industry. Ireland has shown that it can attract fishermen from overseas to fish for its bass stocks; Jersey has the advantage of a better climate and depending on exchange rates may appear more or less attractive than Eire on a value for money basis.

2.17 The development of the recreational fishing 'offer' from Jersey would of course be contingent on fish stocks and sizes, and so is perhaps not a short-term but a longer-term aim.

2.18 However, whilst the development of the recreational fishing sector as a commercial activity may be possible this aim would effectively commercialise what is currently a very real (and free) benefit to Jersey's private citizens.

2.19 Conflicts between visiting and resident fishermen have already occurred. Such conflicts take up the time of the Marine Resources section and they present a poor image of Jersey to the outside world. However, without any formal registration arrangements for recreational fishing they are not the concern of and cannot be resolved by the MRS.

2.20 One solution to such conflicts would be to introduce registration and notification arrangements for organised fishing events. The rationale for this follows that for licensing, netting and long-lining from the shore; that the impact on other beach users is significant (e.g. restricting access to areas of the shore for the period of the event), although in



Figure 7 Anglers at St Catherine's breakwater

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the case of organised fishing events the time period for this is clearly much shorter. Registration would also allow for other beach users to be made aware of events in sufficient time and for the different fishing practices to be managed by negotiation.

2.21 It is worth considering the development of angling tourism in the wider context of Jersey as a tourist destination and as an Island with a successful commercial fishing fleet. Jersey hotels and restaurants already boast of the locally caught fish that is available, and Genuine Jersey have structures in place to accredit locally caught fish. Angling tourism might therefore build on an established reputation and structure and be synergistic with the broader tourism and food offer of the Island. Consideration would need to be given to the important factors that can be used to promote angling tourism, including landings sizes and catch rates for key species.

Policy M 19

Angling tourism

To investigate the potential for angling tourism and the synergies between this and Jersey's commercial fisheries and established sea food reputation.

2.22 Scallop diving is already a licensed activity and an online permit scheme is in development allowing tourists to apply for a licence so that they can 'take a feed' whilst in Jersey. For all other species licensing is not currently a necessity for residents or for tourists wishing to fish in a non-commercial manner. However, if angling tourism is to be encouraged then a voluntary registration system would provide an effective means of monitoring the impact on Jersey residents and on the marine stocks, and it would provide a means to communicate key information, such as minimum landing sizes, to incomers and residents alike.

Policy M 20

E-licensing

To pilot the E-licensing system for scallop diving as a priority in order to assess the feasibility of introducing E-licensing to other species and metiers.

REGULATION AND CONTROL

Introduction

3.1 Fishing in Jersey's waters is controlled through the licensing of boats and regulations determining for example, minimum landing sizes for a range of species and bag-limits. Regulations and orders on specific fishing issues e.g. to limit the areas that can be dredged, or to restrict or close fisheries for periods of time, are implemented periodically. Whilst Economic Development control the legislation in this area, the driving force for that legislation is environmental protection.

3.2 Minimum landing sizes (MLS) do not apply to all species of fish. For example, there is no minimum size for cockles and a whole range of regularly caught fish including turbot, snipe and wrasse. Ideally, minimum landing sizes would be set for all regularly caught or harvested species and these would be agreed with the French to be applicable to all boats and shore fishermen operating within Jersey's territorial sea and the Granville Bay area. The current MLS are those set by the EU and agreed between Jersey and their French counterparts.



Figure 8 Scallop

3.3 The EU intends to further deregulate minimum sizes, relying on trawl mesh size to avoid the capture of undersize fish. This, coupled with the zero discard proposals (see Chapter 7) will create significant difficulties since, unless agreement can again be reached with the French, most of the current minimum sizes would be lost. This would completely de-restrict recreational fishing. Given the estimated intensity of recreational fishing around Jersey this could impact on sustainable marine resource management and prove to be detrimental to both the recreational and commercial sectors.

Shore fishing and non-commercial fishing from boats

3.4 Shore fishing using a rod, using nets or using long-lines does *not* require a license and is *not* constrained by bag limits. Checks are conducted of anglers and beach set nets and hooks and low water fishermen. In 2011 approximately 350 of the 800 inspections conducted by Fisheries Officers related to low water fishing and approximately 150 related to anglers.

3.5 Non-commercial fishing from boats, using nets or rods or pots does *not* require a licence and is *not* constrained by bag limits or pot numbers. In addition to minimum size checks, scallop bag limits, escape gaps, marking of gear etc. are all checked through inspection by Fisheries Officers. Fish caught from boats which are not licensed must not be sold for commercial gain.

3 REGULATION AND CONTROL

Commercial fishing from boats

3.6 Commercial fishing from boats requires first of all that the boat should be licensed. Licences for commercial fishing boats are limited in number and are specific to the size and power of the boat and the type of fishing that boat is allowed. Licences are issued to the particular vessel and have been used as a means to restrict the overall fishing effort in and around EU waters. They are commercially traded. In Jersey, a UK or Guernsey issued licence may be used provided that either a piggy-back Jersey Fishing Boat Licence is issued by the Marine Resources Section or that the UK licence is transferred so that it becomes a Jersey licence. Jersey licenses may similarly be transferred to the UK. This reciprocity is important for fishermen because it existed at the time that their licences were purchased and it confers an element of value to the licences. Licensing is also used to manage the fisheries by closed areas, extra MLS and a host of other conditions including those relating to the provision of catch and effort data.

3.7 Restrictions by pot numbers and catch limits. Class A licenses are issued to boats over 10m in length and Class B licences to boats of 10m and under. Licences will be either shellfish qualified or not. For shellfish qualified boats there is a sliding scale relating the number of pots that may be fished to the size of the boat. For boats using a licence that is *not* shellfish qualified there is a pot limitation and a catch limit of 15 lobsters and 25 crabs per day. There are also restrictions on pot type and location. Vessels under 10m with a Class B Jersey licence are not normally subject to quota restrictions unless a fishery is closed or a specific quota is imposed on the under 10m fleet. Vessels over 10m with a Class A Jersey licence need a 'restricted stock authorisation' to fish for quota species.

3.8 Access to fishing in Granville Bay. Fishing outside the 3nm limit requires a Granville Bay access permit. These permits are owned by the States of Jersey and cannot be bought or sold. On the transfer of a licence the Granville Bay access permit automatically returns to the States of Jersey for re-allocation. A similar system is operated by the French for their vessels. The total number of GB permits is capped, in theory, annually by the Joint Management Committee, for both French and Jersey vessels.

3.9 Fishing within the 3 nautical mile limit is restricted to Jersey, Guernsey and UK registered vessels although there is no theoretical limit set on the total number of licensed vessels that may operate within this limit. It is feasible that, should Jersey waters become particularly productive, then an increase in fishing effort may occur by an increase in the number of licensed boats. Whilst an unlimited number of UK vessels can fish within the 3 nautical mile limit there are horsepower and other restrictions which mean that in most cases it would not be viable for a UK vessel to only fish within this limit.

REGULATION AND CONTROL

Discrepancies to be addressed

3.10 Licensing has arisen for Jersey's fishermen mostly as a result of the need to manage commercial fishing within the territorial sea. Consequently there are some elements of the licensing system that do not appear entirely fair, and which do not appear to deliver effective management of Jersey's fisheries. These include;

- The different treatment of commercial fishing from boats compared to commercial fishing from the shore.
- Restrictions (quota and bag limits) on commercial catches but no bag limits on most non-commercial catches (with the exception of dived scallops).
- Discrepancies in the trade in Jersey-caught fish and the absence of robust buyers and sellers legislation.

These discrepancies are addressed in the next chapter.



Figure 9 Norman Le Brocq and Searider

4 CONFLICTS BETWEEN FISHERIES OPERATIONS

Introduction

4.1 Use of the marine resource for fishing covers a range of operations including some which might be considered relatively benign (e.g. using inkwell pots within a prescribed management and effort-limiting regime) and others relatively damaging, such as pair trawling or scallop dredging.

4.2 Whilst fishing exploits a common pool resource there is of course a requirement that access to and exploitation of this resource be managed in a manner that is *environmentally sustainable*⁽¹⁴⁾. Moreover, this management of access and exploitation should also be *fair* to those who invest their time and resources in fishing and *equitable* between different users. Balancing environmental sustainability, fairness and equity requires a degree of compromise by all interested parties.

4.3 Within the Granville Bay Agreement⁽¹⁵⁾ (i.e. considering only the areas outside the 3 nautical mile limit) the means of balancing fairness, equity and sustainability are well established. Limitations on fishing are set jointly between the French and Jersey counterparts, with decisions taken by a forum including fishermen, government and scientific representatives. The exclusion of large numbers of vessels from the UK⁽¹⁶⁾ and France by a 'historic rights' clause within the Agreement effectively gives the Jersey and French fishermen using this water ownership, meaning that it is in their long term interests to adopt sustainable fishing regimes (albeit that achieving this goal may require further intervention and support).

4.4 Conflicts do of course occur in this area but reports from the Jersey Fishermens' Association (JFA) and a review of the regime⁽¹⁷⁾ indicate that resolution through the working relationship between the JFA and French fishermen established in the Agreement is usually effective. The timings of conflicts is of interest as it is most normally when the French fishermen, who operate a closed season for certain fish stocks and fishing types, change metiers. As such, for example, the introduction of netting may

14 That is, a holistic sustainability encompassing all marine resources with no overall detriment over time to the environment.

15 The Granville Bay Agreement sets out the fisheries access, regulation and management in the Bay of Granville, including both French and Jersey territorial waters but excluding the areas within the 3 nautical mile limit. Further details are provided in 'The Granville Bay Agreement', Chapter 7.

16 No UK boats had historic access rights

17 Fleury, C. 2011. Jersey and Guernsey: Two distinct approaches to cross-border fisheries management. *Shima: The International Journal of Research into Island Cultures*, Volume 5 (1)

CONFLICTS BETWEEN FISHERIES OPERATIONS

occur where previously fishermen had been using pots. Such conflicts may be seen to represent the attempts by all parties to optimise their catch.

4.5 Further inshore the conflicts fall into three categories; conflicts between commercial, full time and part time fishermen vying to lay pots in the same specific area, usually resolved by stout discourse; conflicts between commercial and non-commercial fishermen netting or long-lining from the shore and other beach users, including anglers; and conflicts between commercial fishermen exploiting fishing areas and types and recreational fishermen who may place a higher value on the actual catch.

4.6 Conflicts that occurred in the past included those between scallop dredgers and inshore scallop divers. However, since scallop dredging was precluded from the north coast this has become much less of a problem. Restrictions also apply on east and south east coasts.

4.7 There are also conflicts between the conservation of fish stocks in the waters outside of Jersey's control and Jersey's own fishing catch. This is most clearly highlighted in the case of the undulate ray. This ray is relatively common in Jersey waters but landing it commercially has been banned because more widely it is becoming uncommon; thus setting wider conservation objectives above the immediate commercial interests of Jersey's fishermen. Immediate economic interests should not come before conservation of a species.

4.8 Further conflicts between commercial fishermen, anglers and non-commercial fishermen have related to competition for space (and fish); differences of opinion on technical measures for sustainable fishing and feelings of unfairness in treatment, for example as regards bag limits (or the lack of them), and representation on the Marine Resources Panel.

Reducing and resolving conflicts

The following measures are proposed as the means to resolving these conflicts, and as a means of addressing the needs of the recreational sector and the licensing discrepancies highlighted in the previous sections.

All commercial fishing should be subject to licensing, whether from a boat or from the shore. At the present time only commercial fishing from boats requires a licence. Licensing all commercial fishing fits with notions of *fairness* and *equity* and it allows for shore fishing to be properly policed and managed.

CONFLICTS BETWEEN FISHERIES OPERATIONS

Policy M 21

Licensing all commercial fishing

All commercial fishing should be subject to licensing.

A voluntary register should be established for recreational fishing, with licensing of netting and long-lining. For fairness, angling competitions should also be registered if support is to be expected from the actions of the Marine Resources Section, because of their impact on other shore-users (and fishermen). A registration system would allow for a streamlined, efficient means of communication between Fisheries Officers and the fishing fraternity and it would allow Officers to develop a detailed understanding of the value and impact of the recreational sector; factors which are currently based on loose estimates.

Registration and licensing should not be seen as blunt tools presenting barriers to participation in fishing. Electronic registration, or licensing, need not be expensive to the participant, and they should not introduce significant costs in terms of time or effort in applying. Nor should registration and licensing necessarily be thought of as forms of limiting access. Registration and licensing are necessary to enable communication between the States' Officers and the public, and to manage access on a spatial and temporal basis, to the benefit of recreational and commercial fishermen alike.

Policy M 22

Licensing recreational netting and long-lining

A voluntary register should be established for recreational fishing, with licensing of netting and long-lining.

The first sale of fish should be allowed from licensed commercial fishermen only. This is an issue of fairness, or clarifying the boundaries between commercial and recreational fishing and ensuring that the trade in Jersey caught fish is compliant with regulations on buying and selling fish. Shore fishermen should be able to declare where their catch was caught and using what methods and this should match their licensing.

CONFLICTS BETWEEN FISHERIES OPERATIONS

Policy M 23

Sale and purchase of fish

The first purchase of fish should be allowed from licensed commercial fishermen only.

Bag limits should be set for recreational fishermen for key species to avoid over-exploitation by individuals. It may be that these are set relatively high in the first instance, but they should be no higher than any limits set on commercial fishermen. As an alternative to bag limits, gear limitation (e.g. restricting the number of pots that recreational fishermen are allowed to set) would serve to restrict the catch of recreational fishermen. It is worth noting that typically in France, fishermen are only allowed 2 shellfish pots. However, gear limitation would generally lead to greater variation between fishermen in their total catch and might be considered less fair than would bag limits.

Policy M 24

Bag limits for recreational fishermen for key species

Bag limits should be set by the Marine Resources Section for recreational fishermen for key species based on the best available evidence regarding the sustainable exploitation of the marine resource.

Netting, long lining, and other forms of shore fishing which, whether recreational or commercial, can have a negative impact on other shore users should be controlled firstly through a licensing system, and secondly through more stringent policing (including self-policing by other beach users) to ensure that they are only used in a manner that is fair to others. A greater level of control and self-control is necessary in these sectors, and a greater resource input by Fisheries Officers may also be necessary.

The structure and formal arrangements of the Marine Resources Panel should be addressed (see Chapter 8 'Coordinating relationships with third parties') so that it is seen to be open and transparent; the MRP should not be seen as a vehicle for commercial fishermen, or as a vehicle for the recreational fishing sector. Primarily the MRP has a role to ensure that decisions on fishing and other uses of the marine resource are based on the best understanding of science and using the precautionary principle and that they are made following liaison and communication with the

4 CONFLICTS BETWEEN FISHERIES OPERATIONS

relevant sectors, stakeholders and other bodies (i.e. the French, and also Guernsey, Sark and Alderney) so that regulations are applied equitably across the different fleets and stakeholders.

Policy M 25

Marine Resources Panel

To update and formalise the arrangement for the operation of the Marine Resources Panel.

Restricted metier zones (i.e. areas in which the *type* of fishing practices is restricted) should be introduced in key areas (e.g. around harbours), in particular to prevent netting in these places. Such a move would present minimal impact to the commercial sector but would allow fairer access to the recreational sector. In some areas fishing activities compete for space with other, non-fishing beach users such as dog walkers and horse riders and here again an Island-wide view on what might be construed as fair access to all parties must be taken. Similarly, for reasons of species and habitat conservation it will be advantageous to restrict the fishing activities taking place in certain areas. This is addressed within the Integrated Coastal Zone Management Strategy, which recommended the establishment of a network of Marine Protected Areas.

Policy M 26

Restricted metier zones

Restricted metier zones should be established in a selection of key areas.

DEVELOPMENT OF MARINE SPATIAL PLANNING

Introduction

5.1 Jersey's Extended Territorial Seas were established in 1996 under the Territorial Sea Act (1987)⁽¹⁸⁾. Ownership of the sea bed to the 12 mile limit lies with the 'Crown in the Right of Jersey' i.e. the Duchy of Normandy as represented by the office of Her Majesty's Receiver General. What this means in practice is that agreement must be achieved with Her Majesty's Receiver General before any leasing of the seabed or structural development takes place.

5.2 The 2002 Island Plan⁽¹⁹⁾ introduced and established the Marine Protection Zone, which set a presumption against development from the mean high water mark to the territorial limits. Within the Island Plan 2011⁽²⁰⁾ the coast and seas to the 12 mile territorial limit are considered to be part of the Natural Environment. The Plan recognises that the 'seas, shores and offshore reefs and islands are an integral part of Jersey's character and are also of scientific, cultural, economic, visual and recreational importance'. Threats are noted from land reclamation, marinas, renewable energy and offshore aggregate extraction; human disturbance on remote reefs and islets and pollution and contamination.

5.3 The presumption against development set out in the Island Plan 2011 excepts those which are essential for navigation, access to water, fishing and fish farming and coastal defence and sets out the policy conditions for consideration of the development of marine renewables.

Marine renewable energy

5.4 Balancing the value of marine renewable energy against the environmental impacts that may arise through its installation, testing and operations, the Island Plan 2011 sets out policy conditions for exploratory and prototype renewable and for full scale renewable energy developments. This includes the requirement for an Environmental Impact Assessment in accordance with the Planning and Building (Environmental Impact) (Jersey) Order 2006⁽²¹⁾ that demonstrates that there will not be unacceptable impact on a range of features; ecological, archaeological, historic, visual, landscape and so on, nor on the 'marine, intertidal or coastal environment'.

18 Territorial Sea Act (1987) *The Stationery Office Limited, London.*

19 States of Jersey Island Plan 2002

<http://www.gov.je/PLANNINGBUILDING/LAWSREGS/ISLANDPLAN/ISLANDPLAN2002/Pages/index.aspx>

20 States of Jersey Island Plan

2011 <http://consult.gov.je/portal/adopted/pd/ip2011?pointId=1884718#document-1884718>

21 Planning and Building (Environmental Impact) (Jersey) Order 2006.
The States of Jersey, St Helier

5 DEVELOPMENT OF MARINE SPATIAL PLANNING

Environmental protection

5.5 The biodiversity value of the marine environment is recognised in Jersey's Biodiversity Strategy⁽²²⁾ and sites which are known to be host to specific potentially important species, such as eel grass, are recorded. Jersey's four Ramsar sites are protected through the Ramsar Management Authority.

5.6 However, it is notable that much of Jersey's marine environment is not provided with similar recognition. Moreover, the importance of the marine habitat as a whole, dynamic ecosystem must be considered when assessing the impact of any changes that may be made to the marine environment and, unlike the terrestrial habitat, the vast majority of Jersey's marine environment is unmapped and unknown as far as its environmental and biodiversity value is concerned. There is always a risk that whilst the marine habitat is unseen its importance will be undervalued.

5.7 As such, there is a risk that the Environmental Impact Assessments undertaken to satisfy the requirements of the Island Plan and the Planning and Building (Environmental Impact) (Jersey) Order 2006⁽²³⁾ will be insufficient to offer the necessary protection for the marine environment on the basis of known gaps in the knowledge base.

5.8 Whilst marine spatial planning will aid the planning and Environmental Impact Assessment processes, it is important to note the role that the Marine Resources Section of the Department of the Environment must play in appraising any Environmental Impact Assessments submitted to Planning and Building Services in respect of marine developments.

Marine spatial planning

5.9 Marine spatial planning is a tool that has been developed in order to bring together the many users of the marine environment and to provide an assessment of the relative importance to them of areas of the sea and sea bed. It is a tool that is being developed in England under the Marine Management Organisation, but which has already been used in Scotland, the Isle of Man and elsewhere. The marine spatial planning process for Jersey was initiated by the Marine Resources Section of the Department of the Environment in 2012.

5.10 Whilst marine spatial planning is a preferred option where the seabed is to be developed or leased for marine renewable energies, it has additional benefits for Jersey because of the intensity with which the sea

22 Jersey's Biodiversity Strategy <http://www.gov.je/PlanningBuilding/LawsRegs/IslandPlan/Background/Pages/BiodiversityStrategy.aspx>

23 Planning and Building (Environmental Impact) (Jersey) Order 2006.

DEVELOPMENT OF MARINE SPATIAL PLANNING

area is used. Management of recreational fishing, aquaculture, and commercial day-trips and so on all require an oversight of the whole spatial use of the seas.

5.11 At its very simplest a marine spatial plan is an atlas showing at an appropriate scale those parts of the sea that are used by each sector, or their value (e.g. environmentally), as well as all known topographical data. Hence the following details would be included at the first instance, being those sectors for which data is known to exist;

Physical

- Bathymetry (i.e. depth)
- Geology
- Tidal currents and processes

Economic and social

- Shipping routes
- Ministry of Defence use
- Telegraph and electric cabling
- Wrecks and archaeological sites
- Maintenance dredge dumping sites
- Recreational use (diving, water skiing, sailing etc)
- Aquaculture
- Fisheries, by metier (see paragraph 5.12)
- Marine renewables (see paragraph 5.4)

Environmental

- Environmentally protected areas e.g. Ramsar sites
- Habitat data

DEVELOPMENT OF MARINE SPATIAL PLANNING

5.12 There are additional usage datasets that should be incorporated in any such atlas, but for which data is not usually collected. For these, alternative means of data collection are necessary. At a minimum these datasets should include fishing areas, by metier and times used. This may be gained in the first instance by gathering data independently from the Jersey Fishermen's Association, Jersey Inshore Fishermen's Association and the Marine Resources Section of the Department of the Environment. Triangulating these data sets should allow for a rapid assessment of the key fishing areas. One alternative would be to fit navigational tracking systems such as a Vessel Monitoring System (VMS) or an Automatic Identification System (AIS) to all of Jersey's fishing boats and to collect data from these for a twelve month period, analysing that data to show the exact areas fished. However, the cost of this may be prohibitive and the cycle of fishing can be in the region of eight years for any one area of sea bed.

5.13 The data within the marine spatial plan can be presented in a variety of formats; as a marine atlas, as digital atlases, as Geographic Information System (GIS) data sets, within GIS viewers, as Google Earth data sets and using bespoke data viewers. Each of these has its costs and benefits.

5.14 A simple electronic or paper-based atlas of uses, whilst providing an overview, does not in itself provide an analysis of the trade-offs between users, nor does it show how a change in use at one point may have a ripple effect over many other points - for example through the displacement of fishing activities. Nevertheless, it should help to identify which areas may be most suitable for development and it should demonstrate to all users that their needs are being taken into account. To assist in the analysis of trade-offs between different activities, a simple relationship matrix may be drawn up.

5.15 Terrestrial planning on Jersey uses continuous data overlaid in GIS for spatial analysis and this would therefore be the logical choice to use with marine data.

5.16 A key element in compiling the atlas is the consultation process necessary to gather and share data, both within and outside of Government. For Jersey, this consultation should also involve representation from Guernsey, Sark and Alderney and from France. It is hoped that some of this will be addressed as part of the negotiations with the French in relation to the proposed marine park.

5.17 Whilst for some users there may be temptation to suggest that 'the whole sea area is important', it should also be clear that the notion of planning is to protect those areas which are most important and to situate any developments in the areas that are least important, as such there is a vested interest for all parties to contribute data.

DEVELOPMENT OF MARINE SPATIAL PLANNING

5.18 It is recommended that the marine spatial planning process commences at the earliest opportunity and that it is led in-house by a member of the Marine Resources Section. External consultancy and expertise may be needed as the marine spatial planning process develops but these can be brought in as required and should not delay the programme of work.

Policy M 27

Marine spatial planning

To prioritise delivery of the marine spatial planning process, with leadership from within the Marine Resources Section.

The planning process for the marine environment

5.19 At the same time, the *planning process* for the marine environment should be reviewed, the linkage between economic development and environmental conservation is critical here, and the decision as to which camp this should sit in is effectively a political one. However, the prevailing argument is that environmental decisions are paramount for reasons of sustainability within a common-pool resource i.e. economic demands cannot be prioritised above environmental.

Policy M 28

Marine planning process

To review the planning process for the marine environment to ensure the right balance is achieved between evidence-based economic, social and environmental considerations.

5.20 In determining the appropriate scope and contents for Environmental Impact Assessments (EIAs) in the marine environment it is suggested that Jersey draws on the experience and information available from other jurisdictions including Scottish Natural Heritage, since the development of the marine renewable sector is further advanced in Scotland and a consensus is developing on appropriate decision frameworks to use.

5 DEVELOPMENT OF MARINE SPATIAL PLANNING

5.21 Clear, written planning guidelines should be provided for Ministers, Officers and applicants that are publicised and transparent, following best practice both within the UK and EU. These should set specific rationales for decision making and for the levels and types of mitigation to be required from applicants/developers.

Policy M 29

Marine planning guidelines

To develop and publish clear, written marine planning guidelines, in the context of the marine spatial plan, for Ministers, Officers and applicants.

A two stage planning process will be considered so that the costs to developers of EIAs within the marine environment are minimised. Initial planning would allow for a rapid response as to whether or not the application would be immediately rejected and if this was positive (no initial rejection) then the secondary stage would be a full EIA.



Figure 10 St Ouen's Bay

PRIORITISED MONITORING

Monitoring and policing

6.1 Monitoring by the Marine Resources Section must first and foremost ensure compliance with States of Jersey regulations, with wider regulations to which Jersey is a signatory and with conservation agreements to which Jersey is a signatory. From 2012 the annual report of the marine resources section will report on monitoring for regulatory purposes and provide an assessment on whether regulations are being met.

6.2 A review of these requirements indicates that the following are necessary⁽²⁴⁾ to meet Jersey's legislative requirements and international obligations.

- Policing of commercial and recreational fishing activities and of aquaculture to ensure compliance with Jersey's fisheries regulations and enforce territorial and access arrangements and environmental legislation. Monitoring and inspection of fishing vessels and enforcement on-shore, including inspections of shore nets, merchants and recreational fishermen and aquaculture businesses. As well as compliance, the visible presence of Fisheries Officers is necessary in order to deter illegal or unlicensed fishing.
- Sampling of water, sediments and biota to ensure equivalence to the EU's Bathing Water and Water Framework Directive and the Marine Strategy Framework Directive.
- Monitoring required under Jersey's Multi-lateral Environmental Agreements. The extent to which monitoring should take place and the depth of monitoring is not necessarily specific in many texts. For example, in Ramsar there is a requirement to report changes to the ecological character of the Ramsar sites, and the monitoring strategies for these have been written by the Ramsar Management Authority rather than being defined within the initial Ramsar Agreement.
- It is set out in the Fisheries Management Agreement between the UK and Jersey that Jersey will collate and report to the UK levels of catch, since these are included within the UK's overall quota reporting to the EU. Monitoring of logbooks and inspections not only serve to assure the UK that reporting is correct but it also provides a level of assurance within the MSC accreditation for lobster.
- Enforcement of FEPA, seaweed laws and the removal of sand/stones laws.

24 Note that this list may not be exhaustive.

PRIORITISED MONITORING

6.3 Apart from statutory monitoring there are additional datasets which are of use in fisheries management. Catch and effort recording is undertaken by commercial fishermen as part of their license agreements. Data is provided by commercial fishermen to the Marine Resources Section and this allows the landings per unit effort to be calculated. The independent stock monitoring by the MRS provides a critical comparison and should be maintained for conservation management purposes.

6.4 Subject to their agreement, some standardisation of reporting (and data transfer) of landings between Jersey, France and Guernsey would be of use as regards monitoring of the whole area i.e. the waters around Guernsey, Sark, Alderney and Jersey and in the Granville Bay area that comprise the Normano-Breton Gulf.

Policy M 30

To agree standardisation of reported landings

To work with French and Guernsey counterparts to agree standardisation of reporting of landings.

6.5 Monitoring under Jersey's Multi-lateral Environmental Agreements would usefully contract the volunteer help of Jersey's interested naturalists and of Jersey's fishermen and recreational boaters. For this to succeed it will be necessary to share with all parties the data that is required, standardised reporting and so on. Such arrangements exist for example for sightings of cetaceans, for which sightings data is collated by the Société Jersiaise. However, some of these habitats are offshore and sub tidal, making it more difficult to use volunteers. The foreshore does present opportunities for citizen science, although this would need officer support to be of use.

6.6 It is clear that monitoring and policing together call on a large resource input from the Marine Resources Section. It is also apparent that there are minimum levels of activity below which fisheries enforcement will become ineffective. Baseline levels of fisheries enforcement activity are set out in Chapter 9 'Resource Use'.

Research and development priorities

6.7 The role of government funded research must be to support policies aimed at ensuring the protection of the marine resource. There is little justification for 'research for research-sake', nor for research aimed at furthering commercial exploitation of the marine resource. There is, however, a 'grey area' where research is targeted at ensuring that exploitation is sustainable. This may require a research effort far in excess

PRIORITISED MONITORING

of what individual businesses would be able to justify, and the benefits may be shared amongst many businesses as a 'club good'. The catch and effort recording undertaken by fishermen and by the Marine Resources Section is one example of such research.

6.8 Our knowledge of Jersey's marine environment has been developed through some specifically targeted and other ad-hoc studies across a range of areas, for a range of purposes. The ICZMS proposed that all previous research and knowledge should be brought together within a marine and coastal database. This collation would sensibly be undertaken as part of the first stage of the marine spatial planning process (see Chapter 5 'Development of Marine Spatial Planning').

6.9 Determining the priorities for future research may benefit from taking the following factors into account;

- The extent to which the costs of any research are outweighed by the benefits.
- The extent to which research will provide data that will allow the Marine Resources Section to address environmental issues of immediate concern, and the relative importance of those environmental issues.
- The extent to which research will provide data that will allow the Marine Resources Section to better manage the use of the marine resource within the bounds of resource and other limiting factors.
- The value for money of research e.g. if piggy backing on external funding there could be far more gained than if going alone.
- The political value of research e.g. in the short-medium term, joint research with Guernsey on key stocks would be of political as well as environmental value.

Policy M 31

Schedule of research priorities

To develop a schedule of research priorities for the short (within-year), medium and longer (5+ years) term, including estimated costs and benefits.

6.10 There is potential for commercially focused environmental research, such as research targeted solely at improving landings per unit effort, to be sponsored through a fisheries permit system. This could be further supported by Government, perhaps on a matched funding basis. Such a

PRIORITISED MONITORING

concept would need to address non-Jersey vessels and might be usefully progressed through the Marine Resources Panel and the Joint Advisory Committee of the Granville Bay Agreement.

Policy M 32

Funding and delivery of research priorities

To explore the business case for joint commercial and Government funding and delivery of research priorities.

Research partners

6.11 Whilst it is not the intention of this report to investigate the scientific management of the conservation of fish stocks, it is recognised that the application of sound scientific knowledge not only of individual species and their lifecycles and geographic ranges but also of the interactions of these with each other and the impacts of different types and levels of fishing are critical for the management of the marine resource.

6.12 Within the Granville Bay area Jersey benefits from the input of French scientists from Ifremer; connections with UK institutions, particularly CEFAS and, of course, in-house scientists in the Marine Resources Section. The programme of research supported and facilitated by Jersey would be most usefully conducted in collaboration with Jersey's French, Guernsey and UK counterparts.

6.13 The Marine Resources Section currently undertakes much of its own high quality scientific research. There are numerous benefits to this; not least that it facilitates linkages with fisheries researchers from the UK and from France. It is essential that fisheries officers continue to be enmeshed in the academic and industry research communities in France and the UK so that they can continue to support decision making on the basis of the most up to date understanding of marine science and policies.

6.14 Whilst reducing the Marine Resources Section's research function would not in itself sever the links with UK and French marine research scientists, it would nevertheless reduce the extent to which such important relationships were facilitated. Perhaps more importantly, the research undertaken by the Marine Resources Section maintains their operational ability to monitor the marine environment and to provide the data and analysis required for decision making. Research is generally carried out in tandem with other activities (in particular, with other uses of the

PRIORITISED MONITORING

Section's boats) and as such it is likely that this is considerably more economically efficient than outsourcing individual elements of the Section's research or monitoring functions.

Policy M 33

Research

To maintain capacity for a research function within the Marine Resources Section.



Figure 11 Research dive to set acoustic receivers

TREATIES AND INTERNATIONAL AFFAIRS

Introduction

7.1 International affairs are a key element of fishing and marine resource management because i) fishing vessels by the nature of their operation will often use waters which are not of their own state of vessel registration ii) the marketing of fish and fish products is dependent on international trade - in particular for island fleets such as Jersey's for which a large proportion of the catch is exported and iii) fish do not recognise borders and nursery areas are not necessarily in the same region as where the stocks are exploited. Jersey must consider its relationships with the EU as a whole, with neighbouring waters of Guernsey, Sark, Alderney and France, and with the UK.

7.2 The Extended Territorial Sea of Jersey was established in 1997 by the Territorial Sea Act 1987 (Jersey) Order 1997 and the subsequent Agreement between the UK and France on the Establishment of a Maritime Boundary (St Helier, 2000)⁽²⁵⁾ clarified the exact boundary of the extended sea bordering French waters.

The European Community and the Common Fisheries Policy

7.3 Jersey's relationship with the EU as far as trade in fish and fish products is concerned is set out

in -

- the 1972 UK Treaty of Accession to the European Economic Community
- Article 355(5)(c) of the Treaty on the Functioning of the European Union ("TFEU")
- Protocol 3 of the 1972 UK Treaty of Accession to the European Economic Community ("Protocol 3"); and
- Regulation (EEC) No 706/73 of the Council of 12 March 1973 concerning the Community arrangements applicable to the Channel Islands and the Isle of Man for trade in agricultural products ("Regulation 706/73").

Article 1 of Protocol 3 states, inter alia: "*The Community rules on customs matters and quantitative restrictions, in particular those of the Act of Accession, shall apply to the Channel Islands and the Isle of Man under the same conditions as they apply to the United Kingdom.*"

25 Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the French Republic concerning Fishing in the Bay of Granville. St Helier, 4th July 2000. CM1639. The Stationery Office Limited, London. <http://www.official-documents.gov.uk/document/cm61/6138/6138.pdf>

TREATIES AND INTERNATIONAL AFFAIRS

7.4 Jersey's relationship with the Common Fisheries Policy (CFP) is through the **Fisheries Management Agreement** (FMA) that exists between the UK and Jersey. Inclusion within the EU and UK quota system means that exported fish caught within Jersey waters, including the Extended Territorial Sea, is not regarded as imported to the EU. That is, in order to maintain trade 'as if from the UK' it is necessary for Jersey to adopt the same or equivalent measures as regards the conservation of stocks as apply in the UK.

7.5 Adoption of the quota system restricts catch and in some cases totally prevents exploitation of a possibly healthy stock previously exploited e.g. sole. That Jersey's waters are physically separated from other UK waters, and are fished by a different fleet (i.e. Jersey licensed boats will fish in Jersey waters, and UK licensed boats will fish in UK waters) means that the adoption of the quota system as set out in the current FMA does not necessarily contribute to better fisheries or conservation management. The quota system as adopted in the UK relies on reported catches and stock monitoring in UK waters as a whole. For Jersey fishermen, the reported catches in UK waters and levels of stock therein are not greatly relevant, since they relate to different waters fished by a different fleet. Hence, restrictions in catches imposed by these quotas may bear little relevance to stock levels in Jersey waters, allowing for the possibility of overfishing of some species and under fishing of others.

7.6 Revision of the FMA should take this into account, in particular to allow for improved local management of Jersey waters and to remove unnecessary restrictions (such as the need for the consent of the Secretary of State) whilst maintaining the wider conservation objectives of the Common Fisheries Policy.

7.7 Should Jersey choose not to apply the same or equivalent measures as regards the conservation of pressure stocks as apply in the UK then two impacts would be apparent; firstly, trade into the EC could be threatened and secondly, the reputation of Jersey fisheries could be challenged. Hence, whilst the EU may impose restrictions that are seen as locally damaging, such as that on the undulate ray catch, the sensible response will normally be to accept these as the 'will of the consumer', rather than the imposition of the EU. However, the application of equivalent measures (although not necessarily the same measures) should allow sufficient local flexibility i.e. working within the 'spirit' of Protocol 3.

7.8 The European Commission is undertaking a process of reforming the CFP⁽²⁶⁾, with the intentions, amongst others, to introduce;

26 Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. Reform of the Common Fisheries Policy. *Brussels, 13.07.2011 COM(2011) 417 final.*

TREATIES AND INTERNATIONAL AFFAIRS

- Transferable fishing concessions (i.e. a permit system) within each Member State.
- A zero-discard policy to counter the practice of discarding fish that are caught over-quota, or of less valuable species.
- Fisheries management at maximum sustainable yield levels (i.e. by multi-annual plans setting maximum annual mortality (catch) levels).
- A social dimension to fisheries support.
- Regionalisation

The reforms are also intended to provide measures to support small scale coastal fleets.

7.9 To a great extent the management of Jersey's fisheries, through the Granville Bay Agreement and through the implementation of licensing and other regulations by the Marine Resources Section achieves many of the ambitions of the CFP reform. It is essential that as CFP reform is implemented in Member States (in particular in France and the UK) the good practice within Jersey's fisheries management is not lost.

The Granville Bay Agreement

7.10 The Granville Bay Agreement⁽²⁷⁾ entered into force on 01 January 2004 and sets out the fisheries access, regulations and management in the Bay of Granville, including both French and Jersey territorial waters. Operation of the Granville Bay Agreement has been positively reviewed⁽²⁸⁾ and indications from the Jersey Fishermen's Association (JFA) and the Marine Resources Section indicate success. Whilst there are issues which arise between metiers, these are generally resolved through regular meetings between the JFA and their French counterparts.

7.11 The possible development by the French of a Marine Park in the Granville Bay area presents further opportunities for Jersey as a whole (for example, as regards incoming tourism) and may support a significant level of environmental assessment and monitoring. A marine park should not in theory impact negatively on the economics of the fishing industry, if that industry is adopting a strategy of sustainable fishing. However, even with the best of intentions it could displace fishing effort.

27 [Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the French Republic concerning Fishing in the Bay of Granville. St Helier, 4th July 2000. CM1639. The Stationery Office Limited, London.](#)

28 Fleury, C. 2011. Jersey and Guernsey: Two distinct approaches to cross-border fisheries management. *Shima: The International Journal of Research into Island Cultures*, Volume 5 (1).

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7.12 It is worth noting that whilst the Marine Resources Section's efforts are directed towards management of Jersey's territorial waters, the pressures on this resource come not only from within Jersey but also from French and Guernsey boats.

The Fisheries Management Agreement with the UK

7.13 The current Fisheries Management Agreement (FMA) with the UK was established in 1996 and sets out, in summary, the relationship between the UK and Jersey as far as fishing in each other's waters and as far as reporting and monitoring quotas is concerned. Fishing within Jersey's Extended Territorial Sea is considered as part of the UK's fishing quota for reporting under the Common Fisheries Policy.

7.14 The current FMA was agreed before the UK's establishment of the Marine Management Organisation (MMO) and prior to recent discussions on the extension of Guernsey's territorial sea.

7.15 The FMA agreed between Guernsey and the UK, devolution of fisheries management within the UK itself, and proposed reform of the Common Fisheries Policy together mean that the Jersey FMA as it stands is no longer fit for purpose; achieving relatively little in terms of economic development of the fleet or protection of the marine environment. This being the case, the FMA should now be renegotiated with the UK.

7.16 Renegotiation should aim to maximise the economic benefit to the Jersey fleet through licensing arrangements and increased local management of the catch, including the quota allocation attached to dormant licences, whilst ensuring the sustainable management of the marine resource.

Policy M 34

Fisheries Management Agreement with the UK

To renegotiate the Fisheries Management Agreement with the UK so as to maximise the economic benefit to the Jersey fleet within a sustainable management regime.

TREATIES AND INTERNATIONAL AFFAIRS

7.17 The current FMA sets out the principals that;

- 'fisheries in the ETS (Extended Territorial Sea) must take into account appropriate and relevant Jersey, UK and EC legislation and that it is desirable that fisheries are managed in a manner consistent with EC and UK'.
- 'certain Jersey legislation affecting fisheries in the Extended Territorial Sea needs the agreement of the Secretary of State for the Home Department'.
- 'respect should be given to access rights under various conventions and agreements and should not discriminate between fishermen by reason of nationality'
- 'a regular consultation process be established between the parties'.

7.18 If the FMA is to be renegotiated then the first of these principles is critical; that it is desirable that fisheries are managed in a manner consistent with EC and the UK. Note that does not mean it needs to be '*the same as,*' only that it is '*consistent with*'. Thereby a pragmatic view can and should be taken on fisheries management, record keeping and TAC⁽²⁹⁾ stocks.

7.19 The second principle should perhaps now be reworded so as to reflect the recommendations of the House of Commons Justice Committee report on Crown Dependencies⁽³⁰⁾ (2010) that the judgement of the insular Law officers should normally be relied upon, negating the need for Secretary of State approval.

7.20 The FMA also provides statements along the following lines;

1(a), 1(b) & 1(c): to keep laws and rules on fisheries and shellfish and of seafish consistent with the requirements of EC law, and to legislate to maintain such consistency, in particular when changes are made to UK and EC law.

2: to operate a restrictive licensing scheme within the Extended Territorial Sea for vessels registered in the UK, IoM and Channel Islands.

3: to operate a reciprocal licensing arrangement with the UK, with vessels over 10m in length being licensed to fish for TAC stocks in UK waters only if the vessel has an established record of doing so.

29 TAC: Total Allowable Catch - restrictions are in place within the quota regime on the catch of species categorised as TAC stocks

30 House of Commons Justice Committee report on Crown Dependencies, 2010. *The Stationery Office Limited, London*

TREATIES AND INTERNATIONAL AFFAIRS

4: to operate a licensing scheme in which Category A (Island) licences for vessels over 10m registered in Jersey are not transferable with the transfer of ownership of the vessel.

5: to include in fishing vessel licence conditions and limitations in respect of Sea Fish TAC stocks that are equivalent to those contained in comparable UK licences.

6: that sea fish TAC stocks caught within the Extended Territorial Sea be counted against UK quota.

7: to implement prohibitions on fishing for TAC stocks in the Extended Territorial Sea immediately as the UK Government does so in ICES Division VII E.

8: to apply to Jersey registered vessels the same rules, regulations and management arrangement for the sector and non-sector as apply to UK vessels.

9: that Jersey may participate in any consultation or meeting relating to management of ICES Division VII E.

10: that licences to fish in waters under the Granville Bay Treaty (as foreseen) will only be offered to UK, Isle of Man and Channel Island vessels with an established track record of fishing there.

11: that statistical data will be provided by Jersey to the UK to allow the UK to fulfil its quota management responsibilities.

12~15: that the parties will consult each other on measures would apply to the Extended Territorial Sea or ICES Division VII E.

16: 'in the event of any shellfish (other than nephrops) being designated as TAC stocks, the [parties] recognise that it will be necessary to consult as a matter of urgency on whether any supplement to this Agreement may be appropriate to reflect such designation'

7.21 The inclusion of Jersey caught TAC stocks within UK quota allocations allows Jersey boats to fish and to land without the constraints, costs and negative impacts of trading in quotas.

7.22 Implementing prohibitions on fishing for TAC stocks immediately as the UK Government does so does not provide for good fisheries management, but rather it allows the UK to manage its overall fishing quota without any net benefit to Jersey's fisheries industry or indeed Jersey's management of its marine environment. As previously highlighted (see paragraph 7.5), Jersey's fleet is separate to the remainder of the UK fleet, and fishes in physically separated waters.

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7.23 The development within the reform of the Common Fisheries Policy of Transferable Fishing Concessions would present an alternative means to including Jersey within the UK's overall quota i.e. the allocation of part of the UK quota to the Jersey fleet. In the longer term, as data is forthcoming, the adoption of management regimes allowing fishing to maximum sustainable yield would hopefully make such quota systems redundant in Jersey waters.

7.24 The provision of statistical data by Jersey to the UK has thus far allowed for Jersey to use that data also. This is essential information insofar as monitoring the status of the fisheries in the territorial seas is concerned. There are justifiable concerns that as fishermen begin to report catch data directly to the UK then Jersey's access to this data will be lost. This data is critical to Jersey's fisheries management. Hence, when the FMA is to be renegotiated, a reciprocal exchange of data should be included.

Policy M 35

Fisheries Management Agreement - catch data

To include within the renegotiated FMA a reciprocal exchange of fisheries data so that the Marine Resources Section can continue to monitor Jersey's catch.

7.25 Some of the relevant EC / UK legislation is what we might term 'comet tail' i.e. not referring directly to fisheries, but to the control of fisheries products (as a means of controlling fisheries). The imposition of such legislation is subject to debate i.e. there is scope to argue that it need not be applied for the purpose of fulfilling Protocol 3 or agreements such as the FMA. In such cases a view must be taken on whether that legislation would best serve the needs of Jersey as a whole and its fishing sector in particular.

7.26 One such piece of legislation is that termed the 'Registration of Buyers and Sellers Scheme'⁽³¹⁾. Practically, it is not necessary to implement this in order to maintain consistency with EU and UK legislation because Jersey is not landing fish or shellfish from a fleet other than its own, nor acting as an intermediary for fish imported from outside the EU.

31 RBS 2 (revised 01/04/2010). Registered Buyers and Sellers Explanatory Leaflet. *Marine Management Organisation, Newcastle upon Tyne, NE99 5BN*

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7.27 However, as highlighted in Chapter 4 'Conflicts between fisheries operations', some regulation on the sale of fish by fishermen may be considered necessary. Further to this, it is suggested here that the re-sale of fish should be restricted to licensed traders only. In addition to protecting the Island's fisheries (by placing a value on being caught in Jersey's waters or first landed on Jersey) there are health protection considerations relating to the trade in all fresh foodstuffs and it is considered that these would over-ride any objections to restrictions on trade set in place by licensing.

Policy M 36

Buyer and seller regulations for the sale of fish

To introduce locally relevant buyers and sellers regulations for the sale of fish.

Guernsey, Sark and Alderney

7.28 Guernsey waters (i.e. the waters that may become Guernsey's Extended Territorial Sea up to 12 miles from the shore) are accessed by around 20 Jersey boats per year, although less than half of these will use this body of water at any one time. The rights of Guernsey fishermen to access Jersey's Extended Territorial Sea are preserved in the Granville Bay Agreement. Specifically, within the Exchange of Notes on Guernsey, 'up to 30 vessels based in Guernsey shall be permitted to fish in that part of the area lying within the territorial sea of Jersey'. In practice there are fewer Guernsey boats accessing Jersey waters than there are Jersey boats accessing the waters that may become Guernsey's Extended Territorial Sea.

7.29 Since Guernsey, as part of its FMA with the UK has been permitted to licence commercial fishing in British waters up to the 12 nm limit, this will remove 'free' access by Jersey registered vessels. This will impact mostly on the larger, more productive boats and their catch of scallops, crab, wet fish and whelk. The impact on spider crab fisheries may be less, since these were reduced markedly by the ban on fishing for the undulate ray, from which the spider crab was an economically significant by-catch and historically by the French effort targeting spider crab which in more recent years may have had a considerable impact on the quantity of spiders available.

7.30 The primary concern must first of all be for the ripple effect; since if the Jersey registered vessels which had been fishing in the (now) 12 nm Guernsey limit use Jersey and Granville Bay waters more they may

TREATIES AND INTERNATIONAL AFFAIRS

compete directly with fishermen already operating in these waters. Here again, the introduction of a catch permit scheme as proposed by the JFA would serve to protect incumbent fishermen, whilst presenting a means by which shared access to both waters can be formally negotiated.

7.31 Specialised boats that use Guernsey waters would include scallop dredgers, trawlers and crabbing boats. These specialised boats (and these catches e.g. crab, etc) do require the size and economy of scale that prevents flexibility, and they target commodity crops e.g. brown crabs. Their numbers in Jersey waters, Granville Bay and Guernsey waters should of course be restricted. However, precluding a Jersey boat will not necessarily create 'space' for a Guernsey boat, because such specialised vessels may not be registered in Guernsey.

7.32 Pragmatically, the most economically advantageous solution for both Guernsey and Jersey would be for negotiated, controlled access to both sets of water to both fleets.

Policy M 37

Access arrangements with Guernsey, Sark and Alderney

To design a mechanism and timetable by which to agree mutually beneficial access arrangements with Guernsey, Sark and Alderney.

7.33 The secondary concern must be for the development of relationships with Guernsey on a tranche of marine resource issues, including;

- liaison with the EC and with Defra.
- patrols and inspections.
- marine and coastal research.
- marine planning, especially as regards renewable energy and infrastructure.
- joint marketing and learning from each other.

The scope to work with Guernsey, Sark and Alderney on these issues, on the management of the islands' respective fishing fleets and the economic development of the Channel Islands fishing industry is great.

7.34 Moreover, whilst the coastal and marine resources of both islands are intrinsic to their attractiveness to incoming businesses, residents and tourists, the benefits that would potentially accrue from a collaborative approach to fisheries and marine resource management are significant.

TREATIES AND INTERNATIONAL AFFAIRS

Policy M 38

Fisheries Management Agreement and Memorandum of Understanding with Guernsey, Sark and Alderney

To develop a comprehensive Fisheries Management Agreement supported by a Memorandum of Understanding with Guernsey, Sark and Alderney.

Environmental agreements and obligations

7.35 The United Kingdom's ratification of international treaties and conventions may be extended to Jersey on the request of Jersey's government. Jersey has decided to be included in the ratification of a number of environmental and conservation treaties and obligations. These serve to demonstrate the commitment that Jersey holds towards sound environmental and conservation management. They can also usefully drive environmental and conservation management across multiple departments.

7.36 Currently Jersey is included in ratification and the Marine Resources Section leads on;

- **The Bern Convention** (Convention on the Conservation of European Wildlife and Natural Habitats) [leading on marine aspects only]
- **Convention on Biological Diversity** [leading on marine aspects only]
- **OSPAR** (Convention for the Protection of the Marine Environment of the North East Atlantic)
- **Ramsar** (Convention on Wetlands of International Importance) four areas of coastal waters and reefs are designated under the Ramsar Convention)
- **ASCOBANS** (Agreement on the Conservation of Small Cetaceans of the Baltic, North East Atlantic, Irish and North Seas)

7.37 Jersey is also included in ratification of the following conventions and agreements which are of relevance to the marine resource;

- **Convention on Migratory Species** (Bonn Convention, of which ASCOBANS is one part)
- **London Convention** (Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter 1972)
- **MARPOL** (International Convention for the Prevention of Pollution from Ships)
- **UNCLOS** (United Nations Convention on the Law of the Sea)

TREATIES AND INTERNATIONAL AFFAIRS

7.38 Determining whether or not Jersey should seek extension of further environmental and conservation treaties and agreements, and whether or not Jersey might decide voluntarily to comply with specific EU Directives relating to the marine environment, may benefit from taking the following factors into account;

- The extent to which the treaty, agreement or directive will reflect the broad aims of Jersey's marine resource management (i.e. the strategic fit).
- The benefits to Jersey *as a whole* in terms of recognition of its rich marine resource and the quality of the coastal and marine habitat.
- The leverage provided to the Marine Resources Section (through being included in ratification) to fulfil its marine resource management objectives.
- The moral obligation on Jersey to participate in conservation measures that benefit species and habitats outside its territorial waters.
- The cost implications of compliance with treaties, agreements and objectives.

7.39 Many environmental and conservation treaties and agreements, including some of those above, will cut across the work of multiple States' Departments and Sections, placing obligations on them regardless of whether they are the lead signature.

Policy M 39

Costs and benefits to Jersey of new treaties or agreements

To agree between Departments a consistent, open and fair process of judging the costs and benefits to the Island of any new treaty or agreement under consideration.

COORDINATING RELATIONSHIPS WITH THIRD PARTIES

Introduction

8.1 Relationships Government, industry, the public and Ministers pertaining to marine resource use are currently formulated through the Marine Resources Panel (MRP).

8.2 The Marine Resources Panel is currently run so as to cover all fisheries and marine resource issues and as such deals with environmental, aquaculture, recreational fishing, commercial sea fishing and other shore use and management matters. Whilst this is a relatively efficient means of ensuring that communication with users takes place there is an element to which not all issues relating to the management of the marine environment as a whole are fully covered, particularly in terms of the interface between Government and industry; and an element to which not all users are engaged with government, in particular the recreational fishing sector.

8.3 Further to this, there is scepticism amongst some groups that the MRP exists only 'for commercial fishermen'. This is clearly not the case. However, some formalising of the Panel, and of its modus operandi and composition, coupled with a review of the Panel's objectives, is proposed.

Policy M 40

A review of the objectives of the Marine Resources Panel

To formalise the modus operandi and composition and review the objectives of the Marine Resources Panel.

Recommendations on the Marine Resources Panel

8.4 Objectives: the Marine Resources Panel (MRP) serves as a means by which Government can consult (albeit in a limited fashion) with industry and key stakeholders on all issues relating to use of the marine resource, so as to provide recommendations to the Environment Minister on any relevant issues. It remains the duty of the Marine Resources Section (MRS) of the Department of the Environment to provide advice to the Minister on all issues relating to the marine environment, including recommendations made by the Panel.

8.5 The MRS provides impartial, informed advice to the relevant Minister based on scientific and operational understanding and political awareness. Whilst the MRS should continue to provide support and advice to the MRP and any subcommittee of the MRP, they should continue to do so 'in attendance'. It is also expected that the MRS should continue to be able to table items for consideration by the full Panel and to each subcommittee.

8 COORDINATING RELATIONSHIPS WITH THIRD PARTIES

8.6 Structure: Meetings of the full MRP should take place at regular intervals to bring together the three separate subcommittees and deal with cross cutting themes, wider marine resource management and environmental issues.

8.7 Subcommittees: The proposed structure includes considerable overlap of the membership of the subcommittees which should prevent any 'silo' mentality. Three subcommittees are suggested in the first instance. There is scope to add a fourth, by including the Ramsar Management Authority under the umbrella of the MRP. Ad hoc subcommittees might also be formed to look at specific issues, although it is suggested here that whenever possible the number of subcommittees should be kept to a minimum.

Shore users committee:

REMIT: to serve as a forum for the discussion of shore use issues, conflicts and so on, and to provide recommendations to the Environment Minister on any relevant issues via the MRP.

REPRESENTATION: Société Jersiaise (natural history interest), recreational anglers and inshore fishermen. Representation from other shore users, including residents, surfers and recreational boaters, might be usefully sought.

Aquaculture committee:

REMIT: to serve as a forum for the discussion of issues affecting the aquaculture sector, of impacts that the aquaculture sector may be having on other shore and marine users and of the needs of this sector, and to provide recommendations to the Environment Minister on any relevant issues via the MRP.

REPRESENTATION: Chairman of the Jersey Aquaculture Association, Société Jersiaise (natural history interest), recreational anglers, and inshore fishermen. Representation from other shore users, including residents, might be usefully sought.

Fisheries committee:

REMIT: to serve as a forum for the discussion of issues affecting the fishing industry and recreational fishing and of the impacts these may have on other sectors and to provide recommendations to the Environment Minister on the regulation of fishing activities via the MRP.

REPRESENTATION: Jersey Fishermen's Association, Jersey Inshore Fishermen's Association, Jersey Boat Owners, Jersey merchants and Jersey Anglers.

COORDINATING RELATIONSHIPS WITH THIRD PARTIES

8.8 Membership: The wider membership should be re-examined so as to properly include the range of users and representation of any one user group should be properly democratic. That is, fishermen's members should be voted or co-opted on by their constituent fishermen. Similarly, those concerned with the marine environment should be voted or co-opted on by the relevant environmental group, etc.

8.9 Charter for representation: Members of the MRP are responsible for the representation of their group. To promote fair representation a 'charter for membership' should be developed, detailing the preferred levels of liaison and communication with members over MRP matters.

8.10 Ministerial representation: Meetings of the full MRP should be open to the Ministers for the Environment and Economic Development Departments, and a member of the Scrutiny Panel should be invited to attend.

8.11 Lay representation: It is likely that there will be some users of the marine resource who do not feel properly represented by any one association or club and for these it is suggested that two lay representatives are recruited by open invitation and selection. Lay members would necessarily be asked to make themselves available to members of the public who wish to input to the MRP.

8.12 Relationship between the Marine Resources Panel and Subcommittees: Subcommittee membership should be limited and their remits clearly defined, as above. However, the wider MRP should be allowed (and encouraged) to take in a broader constituent membership and should be allowed to request the subcommittees to consider specific issues.

8.13 Term of membership: The duration of the Chairmanship, within the full MRP or within subcommittees, should be limited to one year without re-election; and unlimited with re-election. The Chairman of the full Panel should be subject to approval of the Departmental Heads of Economic Development and Environment.

8.14 Structure of the MRP and of subcommittees: Chairmen of the MRP and of subcommittees should be allowed, subject to a *unanimous* vote from the MRP or the relevant subcommittee, to increase their membership (subject to the criteria outlined above). However, there is scope for the balance of membership of the MRP and of subcommittees to be distorted so as to provide too great a sway towards particular lobby groups, whether commercial, environmental or otherwise. Any changes made to membership should therefore be reviewed on an annual basis by the Departmental Heads of Economic Development and Environment.

8 COORDINATING RELATIONSHIPS WITH THIRD PARTIES

8.15 Agendas and management: The agenda for the full MRP and for subcommittees should be set by the Marine Resources Section and agreed by the relevant Chairman. Publication of agendas on the Marine Resources Section website will allow for public scrutiny prior to meetings taking place.

8.16 Recommendations: Recommendations of the MRP and subcommittees need not be unanimous, but in all cases the Minister should be informed as to whether a recommendation is unanimous or otherwise. For recommendations which are not unanimous the alternative recommendation(s) should also be presented to the Minister.

8.17 Note on the representation of Jersey Anglers: the current representation of Jersey anglers appears effective but is rather unclear in terms of the direct linkages between individual anglers, angling organisations and representation. Whilst it may well be the case that representation remains the same, it is suggested here that the Angling organisations on Jersey are requested to hold an annual plebiscite to formally elect their representation. Representation is important since the decisions made by the MRP bear significant impact on both commercial and recreational fishermen.



Figure 12 Rozel harbour

RESOURCE USE

Introduction

9.1 Current staffing within the Marine Resources Section is intended to cover a broad scope of activities, as demonstrated in simplified form in Figure 13 and explained more fully in Box 1.

9.2 The States Comprehensive Spending Review and subsequent staff reductions have put pressure on the Marine Resources Section, with significant consequences for the levels of policing and enforcement, and reducing the capacity of the Section to undertake the strategic planning necessary to ensure the sustainable use of Jersey's marine resource. As such there is a risk that the Section will not fully deliver against all of its key strategic activities, unless *de minimis* service delivery requirements are agreed and fully resourced.

Staffing efficiencies

9.3 Current staffing in the MRS provides for a broad range of expertise to cover each of its areas of activity. There are many elements herein that are highly specialised and indeed unique; crossing the boundaries of territorial, economic and environmental policy and operations.

9.4 Whilst the deliverables of the MRS are very broad, they are also highly specialised and subject to specific operational challenges. For example, policing and enforcement using the Fisheries Vessel requires that 4 staff are available to crew the boat and undertake any boarding and a further staff member is available in the office to respond to any requests for assistance from shore. Hence, if it is decided that the Fisheries Vessel should be in operation on enforcement activities for 50 days of the year this will absorb at least 200 days of staff time.

Policy M 41

Prioritising service delivery requirements

The Marine Resources Section, following consultation with key stakeholders, to identify and prioritise service delivery requirements with a view to submitting a business case for securing any necessary additional resourcing from 2013 onwards.

9.5 An increased use of IT would also serve to free-up staff time for more routine tasks such as communications and data input, and previous attempts have been made for example to introduce an electronic system for scallop diving permits. A renewed effort should be made towards implementing these systems so as to improve efficiency.

9 RESOURCE USE

Policy M 42

IT efficiencies

The Marine Resources Section to work with Central Services to develop an IT delivery plan to introduce electronic systems for delivering key services where these can be seen to improve efficiency, especially as regards licensing and quota allocation.

9.6 Obviously there are synergies within the workload, so that for example research and monitoring may take place during enforcement sailings, although these synergies may also hide the more immediate effects of resource scarcity. Similarly, it is quite possible that the MRS could reduce its expert presence, in science or policy, without immediate impact and in order to free up time to deliver more immediate enforcement and monitoring objectives. However, the consequences of this would be detrimental to the ongoing operation of the Marine Resources Section and to the longer term management of the marine resource, and so must be guarded against. Work is ongoing within the section to record, monitor and review work done against different activities so that effort can be best managed for service delivery.

9.7 Many of the proposed recommendations within this document will increase the workload of the Marine Resources Section for between 12 and 24 months; e.g. marine spatial planning, the implementation of licensing regimes on recreational fishermen and the introduction of buyers and sellers legislation. Subsequent to this period there is a possibility of continuing increased workloads, dependent on the staffing necessary to manage strategy deliverables. It is also noted here that the previous Integrated Coastal Zone Management Strategy, whilst containing many sensible and practical recommendations, was not fully implemented as a result of the Marine Resources Section having limited staff resources to draw on.

Policy M 43

To review staffing levels in the Marine Resources Section

To review staffing levels in the light of the review of staff effort against different activities and the agreed service delivery requirements and to take actions to avoid or manage key person dependence.

RESOURCE USE

9.8 Within the Department of the Environment it is recognised that further efficiencies might be gained through a more synergistic approach to policy development and delivery. For example, enforcement officers from different sections might usefully support each other if appropriate frameworks are established.

Policy M 44

Pilot thematic working groups

Department of the Environment to pilot thematic project groups to identify and deliver efficiencies through synergies in enforcement, sampling and licensing.

9.9 In terms of political integration and synergy, whilst the DoE has clear responsibility and mandate for leading on protecting and enhancing the marine environment, both EDD and the International Affairs team have clear ongoing economic and constitutional interests which need to be considered as part of Jersey's approach to managing the Island's Territorial Sea as a whole. Indeed, legislation relating to fisheries and marine issues, including regulatory and enforcement work currently sits within EDD. It is proposed that legislative responsibility reverts back to the DoE on the basis that regulation of the fishing industry is inseparable from the benefits provided to the marine environment as a consequence of this regulation and that a political oversight group is established to ensure that DoE, EDD and International Affairs issues are fully joined-up and integrated across Government.

Policy M 45

Integrated management of Jersey's territorial sea

To transfer responsibility for fisheries and marine legislation from EDD to the Department of the Environment and to establish a political oversight group to ensure the territorial sea is managed in a fully integrated way across Government.

RESOURCE USE

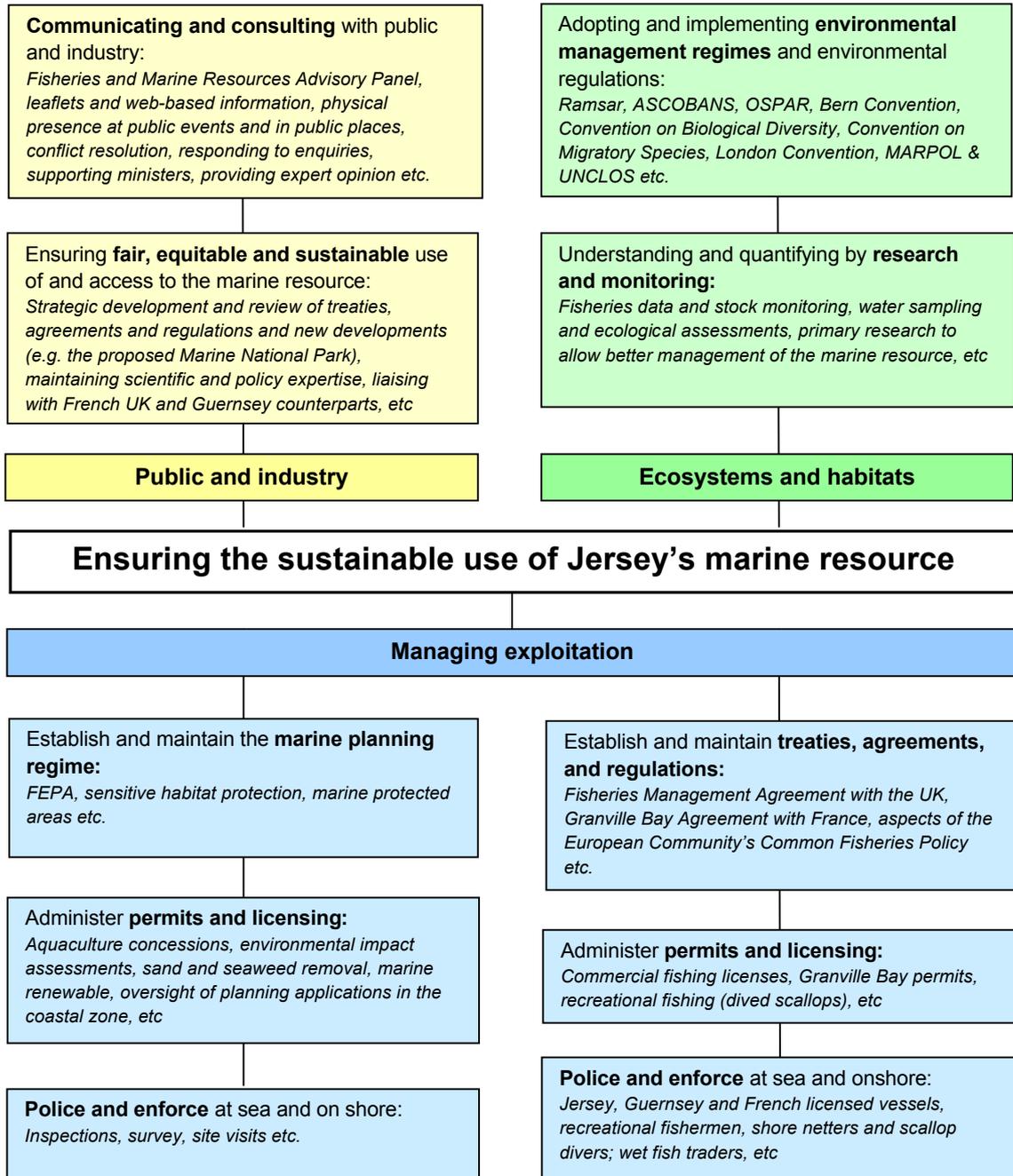


Figure 13 Activities undertaken by the Marine Resources Section

Box 1**Summarised activities of the Marine Resources Section**

Strategic development of marine resource management: The Marine Resources Section recommends policies and manages activities relating to the marine resource, including commercially exploited fish stocks, ecosystems and habitats, and the impact on these resources of a range of factors, including those resulting from human activities, climate change and other external factors.

Economic development: Economic development of the fishing and aquaculture industries is currently delivered in part by the MRS and in part by EDD. The legal and technical knowledge of the MRS no doubt of benefit to the industry, and in the absence of alternative, locally specialised private provision may be considered a necessity.

Administering Fishing Permits and Licensing: As well as administering fishing licences for commercial fishermen, the MRS collects and collates catch data from the fleet.

Administration of the Aquaculture industry: The MRS operates the licensing system for aquaculture concessions and maintains oversight of the environmental impact assessments necessary within planning applications.

Marine spatial planning: The MRS is currently consulted on regarding aspects of planning impacting on the marine environment. However, the development of a full marine spatial plan will take a considerably greater time commitment from the MRS team.

Policing and enforcement: Inspections take place of commercial and recreational fishermen at sea, including both Jersey registered and French registered vessels, as well as inspections of shore fishermen and shore-set nets and aquaculture concessions. The presence of Fisheries Officers and the Fisheries Vessel serves as a deterrent to bad practice i.e. it provides the threat of being caught. The Fisheries Vessel also serves a territorial purpose - and can be used to support Jersey's customs, police and harbour services.

Research: Research programmes are undertaken from the Fisheries Vessel. Research also involves liaison with UK and French counterparts and attendance at conferences and symposia.

Monitoring and sampling: are undertaken for the MR Section's own use and on behalf of other States departments. There are ongoing commitments to monitoring under the various conservation treaties

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to which Jersey is signed-up and there is an administrative commitment as regards maintaining and advising the Ramsar Management Panel and reporting under each of the treaties.

Joint management with UK, France and Guernsey: Liaison with French and Guernsey and the UK is necessary on a regular basis, as highlighted by recent developments on the French side with their proposals for a Marine Park.

Marine Resources Panel: The Marine Resources Section administers the MRP as well as providing expert opinion and advice within meetings. Maintaining an expert scientific presence: Liaison with French and UK research bodies is necessary in order to keep pace with research developments, to identify opportunities for Jersey to benefit from French and UK research funding etc.

Maintaining expertise in policy and operations: Time must be allocated to keeping abreast of all aspects of fisheries and marine resource management, including specifics such as the development of the UK licensing system, quota management, enforcement protocols etc. and should reflect links at administrative levels as well as scientific levels.

Supporting Ministers: Providing advice to Ministers and reporting on Section activities.

Legislation: The Marine Resources Section must advise on any new legislation proposed that will impact on the marine resource, including all fisheries legislation.



Figure 14 Part of Jersey's commercial fishing fleet