

STATES OF JERSEY

Environment Panel Fisheries Review

TUESDAY, 24th JUNE 2008

Panel:

Deputy R.C. Duhamel of St. Saviour (Chairman)
Connétable K.A. Le Brun of St. Mary
Deputy C.J. Scott Warren of St. Saviour

Witness:

Mr. N. Jouault

Deputy R.C. Duhamel of St. Saviour (Chairman):

I have to read you the notice: “It is important that you fully understand the conditions under which you appear at this hearing. Panels’ proceedings are covered by parliamentary privilege through Article 34 of the States of Jersey Law 2005 and the States of Jersey (Powers, Privileges and Immunities) (Scrutiny panels, P.A.C. and P.P.C.) (Jersey) Regulations 2006 and witnesses are protected from being sued or prosecuted for anything said during hearings unless they say something they know to be untrue. This protection is given to witnesses to ensure that they can speak freely and openly to the panel when giving evidence without fear of legal action, although the immunity should obviously not be abused by making unsubstantiated statements about third parties who have no right of reply. The panel would like you to bear this in mind when answering questions. The proceedings are being recorded and transcriptions will be made available on the scrutiny website.” So, welcome, Mr. Jouault. You made a couple of representations to the department officers and Members in relation to the Coastal Zone Management Strategy and other areas and I just wonder if we could start off by asking you to briefly outline your concerns or otherwise or support of this proposed piece of a law.

Mr. N. Jouault:

There are a number of concerns, chiefly the use of monofilament nets, especially within the southeast coast of Jersey which is a site of international importance and the damage that it is doing to the wildlife and fish stocks. We do not see that it is sustainable in any form.

Deputy R.C. Duhamel:

Right. So you are saying that the restrictions on the setting of beach set nets do not go far enough?

Mr. N. Jouault:

I am quite surprised that in the States debate that the Minister said that the panel had looked at it at some length. It does not appear to me that they have looked at it in any length.

Deputy R.C. Duhamel:

When you say “the panel”, you mean the Environment Department or the Economic Department?

Mr. N. Jouault:

The Fisheries Panel, the Marine Resources Panel.

Deputy R.C. Duhamel:

To what extent do you think there are difficulties in the discussion of sea fisheries issues, bearing in mind that just recently the administration has passed from the Environment Department to the Economic Development Department although the sea fishery officers still work for the Environment Department?

Mr. N. Jouault:

There is a lot of rhetoric about environmental and the best practice and that, there is a lot of talk but very little action, and we would like to see further controls and protection, especially for the wildlife and also for fish stocks. We do not feel there is enough research, discussion. We would like at some environmental aspects an input into some of these issues. It is a fishery regulation and we find the panel is heavily biased commercial interest.

Deputy R.C. Duhamel:

To what extent will the principal parts of the law, which is the Regulation 6A(3) to the States, there it is suggested that a person using a beach set net should not do so for more than 96 hours in one fishing period and that in order to comply with that time limit that the beach set nets should be moved to another location different to where it was located immediately prior.

Mr. N. Jouault:

I go back to the sort of “have they looked at it hard enough” and leaving a net for longer than 24 hours there are a number of issues, not only the wildlife concerns but the actual state of the fish that will come out. Is it fit for human consumption and these fish being sold? A fish that has been in a net for 4 days unattended who is saying that this is going to be on a fish market slab?

Deputy R.C. Duhamel:

Specifically we have heard from the Fishermen’s Association and other bodies this morning that there does appear to be a huge difference between a professional fisherman setting these nets and perhaps somebody who is maybe not as interested in doing it for commercial activity and perhaps is doing it in order to provide himself and his family with a cheap feed.

Mr. N. Jouault:

It probably is generally the part-time fishermen and as far as I understand there is no regulation on who can set a net. It is a free for all and there is no restriction. I mean, anybody can go out and buy a net and set it and what monitoring regulations are there in place? It is a known practice to use nets in a sacrificial practice. They might be used in an area where if they lose a net it is at the end of its life and they will put a net in an area where they are not too concerned about the net, just what they will take out of the net. If they leave it for a week or so -- obviously this is happening with a number of concerns, and there has been a number of concerns that we have not been made aware of in the public domain which is another concern. All these concerns are coming forward and it has only come to light with this law being drafted.

Deputy R.C. Duhamel:

It has been stated to us this morning that beach set nets are in actual fact a piece of commercial fishing gear and perhaps the time has come for a licensing system to only allow those nets to be used by professional fishermen and to maybe restrict the use of that particular equipment by those who do not have a professional interest. Would you have any comment in that regard?

Mr. N. Jouault:

I would have thought it is in the best interests of the commercial fishermen to protect their livelihood for the future and I think they have got a very hard life. As a former fisherman myself I am aware of the hardships and difficulties and if we can maintain and protect that industry for the long-term future I think that is the best way forward.

Deputy R.C. Duhamel:

In your opinion, what is the prime reason for bringing this piece of legislation?

Mr. N. Jouault:

I think it is just to sort of pacify the numerous complaints that have come forward.

Deputy R.C. Duhamel:

What, from the public?

Mr. N. Jouault:

From the public. If we were more aware of what the complaints and what the issues were ... were they within the Ramsar area? It is an area where wise use is promoted and is this wise use of the area, you know, nets being set willy nilly, unattended and causing all these concerns?

Deputy C.J. Scott Warren of St. Saviour:

Do you see it as giving a power, which at the moment there is not, to regulate the length of time, to limit it to a maximum of 96 hours?

Mr. N. Jouault:

It is difficult to say, again without knowing the facts of the complaints. There are regulations that nets have to be marked at the moment. If the complaints are coming forward and the nets are marked I would question why action or something has not been done previously.

Deputy R.C. Duhamel:

We have been told this morning by the department that they do not police in an active sense all of the beaches all of the time and they rely on statistical procedures or spot checks for most of the time, or indeed on reports that are provided to them by members of the public who have spotted particular pieces of beach net gear that are in the condition that the law is hoping to address. Would you have any comments on whether or not under the report it is suggested that there are no financial or manpower implications arising from draft regulations? It is the intention of the department to continue with the beach spotting arrangements they have got at the moment and the relationship with the public. In bringing forward these regulations do you think that they would give rise to a greater requirement for checking?

Mr. N. Jouault:

Definitely there needs to be a vast improvement on what is happening at present. I have made a number of reports and issues and I have had the same response as yourselves, that they do not have the manpower and they cannot be everywhere at the same time, but they do not seem to be anywhere at all at the moment. The issues are being raised and I know of one case this winter that there was a net set illegally and reported and there was no action taken. So generally all round, not only the Fisheries but the authorities themselves, are they acting firm enough? Could not the honorary officers and the police themselves perhaps have powers extended to them? If this is happening within sight of the shore they could act.

Deputy C.J. Scott Warren:

I think perhaps my last question to you was because the main reason this legislation has been put to us that it is self policing but it would also give that power that does not exist at the moment if a net is left too long.

Mr. N. Jouault:

Yes. We have heard that the fishermen are conscientious and they would not in any way want to see any damage being done. As I say, the nets are supposed to be marked with the details of the fisherman concerned and if they are marked surely these owners of the nets are being contacted and informed of the concerns. I would have thought it would be best practice.

Deputy R.C. Duhamel:

I think the suggestion has come forward that there is a professional interest in this type of fishing on behalf of professional fishermen. There is also an interest on behalf of those persons who are not professional fishermen and the problems of setting nets in the wrong places are coming from the latter bodies rather than from the professional fishermen themselves.

Mr. N. Jouault:

It is difficult to say that when we are not being made aware of the complaints and the issues. Like I say, if these issues were in the public domain and everybody was informed and consulted we would be able to speak better this afternoon. So it is difficult comment on stuff that is not in the public domain. The professional fishermen are batting it off on to the recreational side and probably the recreational side will say it is the professional fishermen with all their nets, so who is to blame? There is a problem out there and the amendment does address it to a point but it is just a very little step forward. In the States again it was said that the Coastal Zone Management Strategy would address some of these concerns. Well, I have read the strategy and in no way it immediately addresses any of the concerns. It just says they will talk and discuss the matters further, so this is going on. I go back to the States Biodiversity Strategy which says it should be addressing: "The impact of certain fishing practices on non-target species such as birds and dolphins. This will hopefully be the subject of a coastal zone management policy by 2003." Well, we are now 2008 and we are talking about the number of hours that nets are left unattended. I do not think it is good enough.

Connétable K.A. Le Brun of St. Mary:

The nets that are left unattended, a professional fisherman as such would not leave these nets down, invariably down on the spring tides and not on neap tides, and it

would be the unprofessional ones that would leave them on the neap tides and they are the ones that would cause the problem. I think this is the situation where as well as you were saying about they are marked and regulated but it would be the unprofessional ones who would leave them out on a neap tide without them being marked. I think this is the issue. There is not a finger being pointed. The professional ones I think are trying to do something, as far as I can see, to alleviate the problem with the unprofessionals. Would you not say that would be the reason behind it?

Mr. N. Jouault:

There are black sheep in all industries. If the regulations are there that action can be taken, which is the idea behind this amendment and, as I say, it is just a little action to pacify the numerous complaints and surely it is in everybody's interests, not only the environment but the long-term future of the fishermen, that we adopt best practice. Everybody will benefit from it and it seems very short-sighted from the Minister.

The Connétable of St. Mary:

Is it short-sighted or short term really, looking to the future?

Mr. N. Jouault:

The problem is we are talking about a commercial interest here and the politicians and the commercial fishermen they are in it for their lifetime, they are not looking towards the future. As I say, my personal response to the Coastal Zone Management Strategy, I suggested that a review of all sorts of fishing, not just the nets but the sizes, the industry itself. There is a great value towards angling and what is happening here is the actual panel, they are just representing the commercial fisherman's interest. The sea is a public domain, everybody has an interest in it, and I think the other side should be represented as fairly and on an equal term.

Deputy R.C. Duhamel:

Are you saying then that you do not consider that the environmental interests in relation to fishing are being best represented by the Economic Development Department in bringing forward the regulations as they are doing at the moment?

Mr. N. Jouault:

As I say, it is a step, it is a very little step forward, and the Société would like to see stronger protection for the environment. There is damage to wildlife and it is important not only to the environment but the tourist industry is a valuable asset and it needs to be protected and used in a sustainable way.

Deputy R.C. Duhamel:

The Minister for Economic Development, in bringing forward this proposition to the States, did so in the absence of any comments made by the Minister for the Environment. Does that surprise you?

Mr. N. Jouault:

Very surprised. The Fisheries Panel, I understand is within the Environment Department in some way, I know it is swapping and changing. The Economic Minister was formerly of Environment so I would have thought he himself would have been aware of the environmental concerns. As I say, these have been going on since 2003. I raised the issue with the management strategy and I think Minister Ozouf was then part of the Environment Department. So I have raised concerns and the Société have raised concerns. It seems to go on and on. Like I say, if we could have an equal balance and representation upon these people enforcing regulations that are affecting the wildlife, the tourism industry, but as I say it is short-sighted and we would like to see better action taken.

Deputy R.C. Duhamel:

At the present time there is no requirement through a licensing system or a recording system for any person or persons who would wish to put out a set net in a particular location in Jersey to inform the department of their intention to do so and likewise to inform the department of the time at which the net would be set. How do you think the department will be able to police the particular regulation which requires them, in order to determine whether or not an infringement has taken place, as to ascertaining the set net as being in one position for more than 96 hours or has not been moved to another location after that 96-hour period on a regular basis? How will the department achieve either of those 2 ends in order to determine whether or not infractions have taken place?

Mr. N. Jouault:

I am not sure where their magic wand is but it is something I question and what we would suggest is if the people are licensed then we would know the amount of nets, and where they are being used. There could be all sorts of stipulations put within a licence or a registration. I understand there is a registration scheme in place in Guernsey and I would have thought that would be a step in the right direction. As for the time limit, I think perhaps with the ormering regulations there are certain stipulations when you can go ormering. So why a similar sort of regulation could not be implemented within this amendment, that is a possibility, because then the ormerers would know that they are going down -- they are doing the same sort of activity on a low water spring tide so perhaps those regulations could be sort of merged together.

Deputy R.C. Duhamel:

In your view has the law been worded in a way that could be considered that it is fit for purpose to achieve the end that it is trying to achieve?

Mr. N. Jouault:

I do not think so. When you briefly mentioned your response from Fisheries that they said that they could not be everywhere at the same time, there are numerous complaints and reports and it is the same response. So when somebody does make a complaint in this respect in the future the Fisheries' response is probably going to say: "We did not know when the net was set." So it beggars belief, if you ask me.

Deputy R.C. Duhamel:

Anyone have any further questions? I have a note to ask could you just tell us who you represent? Are you here on behalf of the Société or here in your own capacity?

Mr. N. Jouault:

I represent the Marine Biology section of the Société Jersaise. I am its Chairman. I was formerly a commercial fisherman for some years and aware of the practices and have seen with my own eyes the killing of birds. Fisheries themselves have had a report and they photographed a dead seal within a monofilament net and I myself

have photographed several seals that are living with monofilament net around their necks. I am not saying that these are from the set nets but I would have thought it was from this vicinity. There is a large monofilament net fishery round the Minquiers which is a large seal colony. So there is environmental impacts going on out there and I think they need to be addressed. The Société would like to see some sort of marine reserve set up where no-take zones are, which would be of benefit to everybody and would sustain the long-term future of the fishermen.

Deputy R.C. Duhamel:

So specifically then is it your view that this particular law is only looking at a small part of the overall picture of the setting of nets in the marine environment and that perhaps long term there may well be better laws which will come along to replace this one, should this one be agreed in the States when it is considered in the near future?

Mr. N. Jouault:

I would sincerely hope so. As I said before, the problems were raised in 2003 and we have been raising the problem since then and we are talking about how long a net should be set. There is very little protection. We are seeing the decline in puffins and cormorants, a great number of our seabird colonies. All these birds are being hammered to extinction. It is an island that prides itself on preservation with the Durrell and we are not protecting the stuff on our own doorstep. We would obviously like to see better protection. Going back to the puffins, with the Plemont development, in the puffin report associated with that, we did ask for a no-take zone for monofilament nets to be instigated within the Plemont area and we have heard no more about that. We would like that to be addressed as well. I think there are about 2 or 3 puffins around at the moment so if we could give them any help and assistance I think it has go to be ... even if we try. As I say, I appreciate this time that the panel are giving to us airing our concerns but we appear to be banging our head against a brick wall with the Environment and the Economic Departments. As I say, it is commercial interest above everything else.

Deputy R.C. Duhamel:

All right.

The Connétable of St. Mary:

Coming to the set nets, have you got proof or has there been proven evidence that the set nets cause the detriment to the environment and the birds and such like?

Mr. N. Jouault:

I would be very surprised if there is not any damage being caused, not only to the fish stocks but the wildlife. As I say, I have witnessed it with my own eyes with nets set from boats in the same areas. So it would be unsurprising that they would not be catching wildlife within the nets. You know, perhaps it is not happening at the moment because the wildlife has gone but, as I say, if we could give the environment a bit of a breathing space, some area set aside that there is protection, I think everybody would see the benefits and it would do the Island a great deal of good, I think. There are set aside areas. In Lundy there was an area set aside as a no-take zone and there was a great deal of opposition from the commercial fishermen and now the commercial fishermen are saying how good it is because they are reaping the benefits because of the overspill of the lobsters. The same is happening in New Zealand. In New Zealand they are extending their marine reserves because they have proved so successful. It is written down that the commercial species increase in numbers and with the fish, the larger the fish gets the more it produces. If we are sort of culling that species at a size that it is just about getting to breed to ... like with bass it is 38 centimetres, we have not raised the limit, and we are not allowing that species to live at a sustainable limit. It seems very short-sighted, in my view.

Deputy R.C. Duhamel:

Any further questions? Well, thank you very much for your comments. That has been very useful. Thank you.

Mr. N. Jouault:

If there is anything else, please get in touch with us.