

STATES OF JERSEY



**DRAFT SEA FISHERIES (INSHORE TRAWLING,
NETTING AND DREDGING) (AMENDMENT)
(JERSEY) REGULATIONS 200- (P.36/2008):
COMMENTS (P.36/2008 Com.) – RESPONSE OF THE
MINISTER FOR ECONOMIC DEVELOPMENT**

**Presented to the States on 8th July 2008
by the Minister for Economic Development**

STATES GREFFE

**DRAFT SEA FISHERIES (INSHORE TRAWLING, NETTING AND DREDGING) (AMENDMENT) (JERSEY)
REGULATIONS 200- (P.36/2008):**

**RESPONSE TO COMMENTS PRESENTED TO THE STATES ON 1ST JULY 2008 BY THE ENVIRONMENT
SCRUTINY PANEL**

1. Financial or manpower implications

Panel Observation 1

“Legislation must be supported with the necessary finance and manpower to enforce it.”

It is accepted that the small team of Fishery Officers are unable to ensure one hundred percent compliance with any of the fisheries regulations throughout the 800 square miles they have responsibility for; however no amount of extra manpower would be able to give such a guarantee. In common with enforcement agencies of all kinds, Fishery Officers use risk-based analysis to conduct their work and this process takes into account information from the general public.

In relation to netting there have normally only been one or two incidents worthy of investigation each year and the situation has been manageable, however there were approximately 8 incidents last year and the practice of allowing nets to be “neaped” also first came to light. The purpose of this legislation is to reduce the level of incidents back down to a normal or lower level and to render the practice of “neaping” nets illegal.

The submission that talks about 3 complaints being made and no action being taken is perhaps misleading. A number of complaints relating to nets set in Grouville Bay were made and recorded, and each was investigated involving the use of significant manpower resources and in one instance resulting in a Parish Hall meeting where it was decided that no further action could be taken.

2. The Environment

Panel Observation 2

”Insufficient consideration is being given to the environmental effects of the use of nets in a Ramsar area and the amendment fails to take an opportunity to further protect the environment.”

The proposed Regulation was drafted to regulate a very specific netting activity and was never intended to be a complete review of practices relating to netting. Members will be aware of the Integrated Coastal Zone Management Strategy (ICZMS) and undoubtedly working groups established under that strategy will review fishing practices including netting, particularly in the RAMSAR Zone.

Panel Observation 3

“The amendment to the Regulation is a minor change which is considered by witnesses as a small step in the right direction towards sustainable fisheries management.”

This comment is supportive of the proposition.

The Scrutiny report acknowledges that other measures are being worked on which will also play a part in improving the management of inshore resources and refers to Regulations imposing “Bag Limits” on species including bass and ormers. These Regulations are now in final draft form and if approved are also likely to have an impact on the amount of nets being set close inshore.

Panel Observation 4

“This legislation is designed to change the behaviour of an extremely small percentage of the fishing fraternity and is a “stop gap” until the urgently needed fuller piece of work, which includes the effects on the environment, has been undertaken.”

This comment is supportive and recognises that the draft is specifically aimed at altering the fishing practices of a very small number of fishermen who do not set nets in the traditional manner.

The Scrutiny report does suggest that nets could be licensed and it is recognised that this view has significant support and needs serious consideration. There is however a risk that those individuals who currently operate outside of the Regulations or best practice would fail to licence and that such a licensing scheme would introduce more work for other fishermen and administrators without achieving any real gains. It would be most appropriate to review such a measure as part of the ICZMS when all methods of fishing from the shore are reviewed.

The report also suggests that a system could be put in place whereby fishermen notify the Department of the time and location of the setting of nets but commented that whilst this might have some advantage it would be over-bureaucratic.

Panel Observation 5

“This legislation does not adequately address the problems faced by the department and may not be fit for purpose. There is a clear requirement for a significantly larger piece of work to be done. Whilst attempting to be a step towards best practice, the enforcement of the amendment would not be possible until well after the offence has been committed.”

This comment again supports the ICMZS.

Whilst enforcement will not always be possible immediately the offence occurs in the strictest sense, in the case of “neaped” nets enforcement of a practice which is currently legal yet environmentally unacceptable will become possible within a realistic timescale.

Panel Observation 6

“Licensing of the setting of beach set nets would be acceptable by most sections of the fishing fraternity.”

This has already been discussed in the response to Panel Observation 4. Undoubtedly this view will be considered as part of the ICZMS.

Panel Observation 7

“P.36/2008 is a small step towards sustainable fisheries management, which may be worth taking nevertheless.”

This comment is supportive.

Panel Observation 8

“The Panel noted that no comment had been made by the Minister for Planning and Environment in relation to the environmental aspects of this piece of legislation and recommended that in future all fisheries legislation should be accompanied by a comment from that Minister or his department.”

The Environment Division did comment on this proposal and in fact wrote the introduction and report to the draft regulation.

The Fisheries Section is part of the Environment Division and all such reports and Ministerial Decisions produced by the officers are seen by the Director of the Environment.