



Environment, Housing and Infrastructure Scrutiny

Panel

Review of the Marine Spatial Plan

Witness: Marine Biology Section

Monday, 2nd September 2024

Panel:

Deputy H.L. Jeune of St. John, St. Lawrence and Trinity (Chair)

Deputy T.A. Coles of St. Helier South (Vice Chair)

Deputy A.F. Curtis of St. Clement

Connétable D. Johnson of St. Mary

Deputy D.J. Warr of St. Helier South

Witnesses:

Mr. N. Jouault, Member, Marine Biology Section

[15:00]

[Audio starts at 15:05]

Deputy H.L. Jeune of St. John, St. Lawrence and Trinity (Chair):

Was it commercial or recreational because we think ...

Member, Marine Biology Section:

No, Fisheries was not so basically ...

Deputy H.L. Jeune:

This is something that we are seeing, that there is tension between. You were talking about illegal fishing and stones being turned. Would you feel that that is more recreational or more at least people ... rather than ...

Member, Marine Biology Section:

Some of it is recreational but with the low-water fishing, some of it is possibly commercial enterprise because of the value of ormers, basically. They are highly sought after so if somebody can go down there and collect £100 worth just like that without being stopped or monitored, they are going to do that. I have heard reports of gangs of people going down there and just going through an area and what I am seeing myself at the moment on the south-east coast certain areas that somebody has walked through. We are talking stones of 200, 300 kilograms, some of them, and they are turned over. As I say in the report, it takes 5 years for the minimum life to grow back and 10 years for the rarer stuff and that is what the ormers and a lot of the other marine life depend on. That is just basically lost and so there is a habitat decline and it is a marine protected area, a Ramsar area as well. That is the issue. Commercially, I am aware of some infringements. I know the French, I have seen them during the nighttime scalloping within the marine protected areas up to the French coast. I spoke to Fisheries about that and they were aware because they can monitor them on radar and they have had a word with the French, basically. I do not know what working relationship we have with the French because a lot of their recreational fishers are up to illegal activities, so obviously they are landing in France. I am surprised ...

Deputy H.L. Jeune:

They do not know what they are doing.

Member, Marine Biology Section:

Yes. Maybe there should be stronger relationships with the French monitoring authorities. As I say, I do not know what goes on at the moment.

Deputy D.J. Warr of St. Helier South:

Can I just ask on fining? When was the last time anybody was fined for illegal fishing in any way, shape or form? When has something gone to court. I cannot recall one, so I am just ...

Member, Marine Biology Section:

I have got a few years experience going back. I was a commercial fisherman many years ago. There are very few prosecutions. I know that the officers struggle because they have got to have all the legal requirements in place and there is a reluctance. I had, this is sort of 20 years ago, a senior Fisheries officer go through a Frenchman's catch, which was mostly undersized and threw it back, but there was no prosecution.

Deputy D.J. Warr:

No teeth, basically.

Member, Marine Biology Section:

There is no teeth and I admire Guernsey with their fisheries management with trying to keep the French out of their waters. They do seem ... historically, they were a bit more robust. There have been fines of up to £20,000, £30,000, basically, which was a big deterrent. Guernsey have always been quite adamant in trying to claim their waters, which has been criticised by Jersey but in a way I admire them for sticking to their area and trying to protect it, basically. As I mentioned, maybe we could regulate the French leisure fishermen by making a permit ... that they have that permit, and if there was an infraction then they would either be fined for not having a permit or lose their permit, basically. I do understand there have been difficulties, supposedly, of trying to take these cases to court. Similarly with the commercial fisheries. There was one a couple of years ago. I think it was his third time in court and he ended up with a £3,000 fine. Obviously if it is his third time it is not deterring him and he is continuing to infringe, basically. I have seen it. Sorry to go on about years past. I remember when the ormer ban was on and I was at Les Minquiers and there was about 200 French low-water fishing there. I felt a bit intimidated because they came ashore and went through their catch on the slipway, all open about it. I know they do go out there and they do checks. I have reported. I have photographic evidence of some activities and reported it and it has been acted upon but nothing ... they have said that they have found no evidence, basically.

Deputy H.L. Jeune:

Do you think there has got to be this thing of not just the M.S.P. (Marine Spatial Plan) but anything, the no-take zone, the M.P.A. (marine protected area), anything that is now expanding for the different protected areas ... the one message to us is basically how is it all going to be monitored, how is it going to be enforced, how is it going to happen? Although we are hearing the Government saying we do enforce well, you are saying that you have seen evidence that it is not necessarily just commercial, it is recreational or they would say recreational but they could be selling on the side. I am assuming that ormer ... when you say that you see gangs, I assume they are not commercial in the sense of licensed. They are going out ... that is what I am assuming is how you are putting it.

Member, Marine Biology Section:

I can only interpretate what I understand. I should be careful what I say here. They are employed on the shoreline and they are going off while they are not working on the shoreline and taking what they can find. So maybe the operator is not there of the concession, so the staff are going off on their freewill and filling their boots, so to speak. I have seen them passing through and most of the areas where there are the incidents of upturned stones. There are other areas. One of the main areas is

where the staff are passing through to the concessions, basically, so it is possible. Like I say, with ormer being valued at £5 to £6, it is a big incentive. If you can get 100 ormers, it is £600 you are talking about, which is a lot of money for a low-paid worker, basically.

Deputy H.L. Jeune:

Another thing you mentioned was the commercial R.I.B.s (rigid inflatable boats) as well and mammals. Is that something that you have particular ...

Member, Marine Biology Section:

Yes. Can I just add to the previous thing? I came forward with the suggestion of having an honorary officer within the parishes. We used to do it with the seaweed regulations. That was part of that, that they would have people from the parishes delegated to monitoring the seaweed collecting. I think it is a good idea and I think some people might want to work for the parish in an environmental aspect. It was put forward to the committee that oversees the honorary system and they dismissed it, saying that they already undertook that area, which I would question that they do, basically, but I think that is what we need. The Marine Spatial Plan proposes to have a beach warden. Even the name itself seems a bit softly softly, basically. Will they be monitoring the ice-cream sales? The fishing fraternity are not always in the areas where the tourists are going to be, so to speak. It needs to be Island-wide and the offshore reefs.

Deputy H.L. Jeune:

That is an interesting point. Do the parishes do anything, the 2 who are with the offshore reefs?

Member, Marine Biology Section:

I did report things to the police and the honorary police. I have done and they always pass it back to the department, basically, and it is not in their remit at the moment.

[15:15]

Connétable D. Johnson of St. Mary:

Speaking as a Constable, I am about to attend my honoraries monthly meeting tonight. I think it is a question of resources really. I think most of the parishes are struggling to have their required number of honoraries and to actually extend their remit I expect might meet with resistance, unless it comes flat on their ...

Member, Marine Biology Section:

I would say to counter that that there may be people in public life that would be quite happy to come forward and do an environmental role within the parish rather than the policing system.

The Connétable of St. Mary:

I take the point and I think we could all do with more volunteers of that kind. So, yes, if they are there, I am pleased to have them.

Member, Marine Biology Section:

Like I said, we are supposed to be an Island moving in an environmental aspect, sort of thing.

Deputy H.L. Jeune:

Yes. I am just looking at your submission ...

Member, Marine Biology Section:

Sorry, going back to the R.I.B.s, I have reported a number with evidence of infractions. I am frequently at Les Ecrehous so I do see what is going on quite closely and what has happened with the grey seal colony, which inhabits ... they haul out at low water in a certain area and what happened in recent years, it is not just the R.I.B.s, it is leisure people visiting as well, but it has just got inundated with boats when the weather is good. They are visiting the haul-out areas and the seals have moved further north and the boats have got wise to this and moved further north. There does seem, at the moment, to be a better attitude but at times they will get too close, basically, and as we have suggested, maybe they have within their licence a remit that they should be having environmental protection. The problem with the licence is it is given by the Ports of Jersey and they are reluctant to get involved with environmental stuff, basically.

Deputy H.L. Jeune:

That is an interesting point because the M.S.P. does have many different stakeholders, so it is not just going to be one in particular and ports obviously are part of the M.S.P. It is interesting that you say that because part of that whole wider M.S.P. includes the importance of ports. It is an interesting point that you make about the environmental aspect of this.

Member, Marine Biology Section:

I think what a lot of my grumbles are on about is that we are not enforcing these. We have signed up to all these international agreements like Ramsar. Ramsar is actually the habitat and the species have gone into decline since its designation, so it does need some better management and enforcement.

Deputy T.A. Coles of St. Helier South (Vice Chair):

Just while we are on the R.I.B.s, you mentioned obviously approaching wildlife but you also mentioned in your submission about just the way those who are less experienced with, let us say,

Les Minquiers and Les Ecrehous who are visitors and - I think you describe it as - wander off. I just wondered if you felt that the M.S.P. or any review should go as far as to consider actions, as you say licensing and how one changes that, or do you think that is just the nature of the beast?

Member, Marine Biology Section:

I did mention it because there is an issue with the Roseate Terns, which are the most endangered European breeding seabird, basically, and it was dismissed, the comment, because they said they did not cover that area, which I would say is questionable because it is a marine bird. I think because it was nesting on the land they did not think it was part of their remit, basically, but there are issues there because the nesting area was better protected and then they brought in these areas of special protection and they actually reduced the area where the Roseate was nesting and were trying to encourage them to nest somewhere else. I think that has failed this year, basically. You say how do you monitor it? I have been a long-time advocate of having a webcam on the nesting area. Alderney have it; why cannot we have it? I understand there is a reluctance to implement one and I do not think the logistics of doing it are that difficult. They have got cameras up there at the moment monitoring the boat passages and that but not the actual bird areas, and the same with the warden.

Deputy D.J. Warr:

Sorry to cut in. Basically you are saying use technology more effectively to monitor.

Member, Marine Biology Section:

Yes. Like I say, Alderney is using it. Can we catch up with Alderney?

Deputy H.L. Jeune:

We will use that as a quote in the report.

Member, Marine Biology Section:

I am going there next week so ...

Deputy H.L. Jeune:

It is a good point about the technology and being able to use that so that it is not having to always rely on somebody coming every 5 weeks in a cycle because they cannot be there all the time or they cannot be in all different places.

Member, Marine Biology Section:

It is the same at Portelet. I do not know whether it is possible ... I put this argument to the Environment Department that oversees the nesting birds and they said you are going to infringe on

people's public space and that. Then I looked up and I think we have got at least 600 cameras round St. Helier, so it did not really add up.

Deputy T.A. Coles:

You do not have the right to privacy in a public space.

Member, Marine Biology Section:

No. Like I say, I am more focused on seeing the birds and there is issues with not only human disturbance. Predation is there as well. Gulls and some other birds will predate on them, so it would be interesting to record it. I think some of the predation by the birds is instigated because they have been stressed out all day because of the visitors and then the Gulls come in at the end of the day and the birds are worn out and vulnerable. What happens as well with the Common Tern, as the numbers reduce they become more and more vulnerable and a nesting area of 20 birds can be cleaned out by quite often it just seems one gull operating over it. We have lost the Common Terns nesting around Jersey and, touch wood, the ones offshore remain there, basically.

Deputy H.L. Jeune:

We would be interested a little bit more about, as you say yourself, thinking about the solutions to this. Technology is a good point, definitely. You were talking about the honorary system. The different points are interesting. Are there other things that you think could be done with the M.S.P. as it is standing now versus adding to it, to make it ...

Member, Marine Biology Section:

More robust, yes.

Deputy H.L. Jeune:

More robust, I suppose.

Member, Marine Biology Section:

I do think, like I say, before we expand areas that we need to look at how we are managing them and review the management, basically, as well. It is all areas of fisheries, the habitat as well. Going back to the stone turning, it is not illegal to do that. Anybody can go down there and do it. It is not an infraction of the law, so there is no way of enforcing. Well, you cannot enforce it.

Deputy H.L. Jeune:

No, but a lot of that is education, is it not? You are saying it is not families going there looking at rockpools. It is because there is illegal fishing going on or fishing going on for commercial, whether it is ...

Member, Marine Biology Section:

Some of it might be people who have not been educated. It could be somebody who is immigrant labour and are only here for 6 months and they are not too bothered about what the habitat does and they are just out to get what is there at the moment, basically. Education-wise, it has been part of the fishing code in writing from Fisheries for about 15 years. All reasonable and conscientious low-water fishers are aware of it, basically. It is not them who are causing the problems. I know they are opposed to having a licence system but maybe that would be a way of addressing it, that you are not to be going down to the shoreline and turning stones unless you are doing it either for scientific or you are a licensed low-water fisherman, basically. Then I think the low-water fishers would become more responsible for the area. If I am out there and seeing all these problems going on, why are the low-water fishers themselves not flagging it up as an issue?

Deputy H.L. Jeune:

That is a good point.

Deputy A.F. Curtis of St. Clement:

I was just going to touch on that. That is the east of the Island, is it not, that the stone turning is happening more or is it everywhere?

Member, Marine Biology Section:

It is all round, offshore reefs. There is no place unturned, so to speak.

Deputy A.F. Curtis:

It is everywhere. In your submission you talk about the idea that there could be an east of Island no-take zone but described I think as a buffer for low-impact fishing.

Member, Marine Biology Section:

Yes.

Deputy A.F. Curtis:

Obviously at the moment the protected areas are about mobile gear; the no-take is no-take. There is not really that definition of a no-take light, if that makes sense. You are talking about a buffer for low fishing. I just wondered what your feeling is as to what would that look like.

Member, Marine Biology Section:

It is a well-known scheme that they do in other countries. Say for Portelet, for instance, you would create another 200 metres area. It would be have to well defined either with buoys or geographically.

In that area you would have low-impact fishing, so you could do rod and line fishing where there would not be netting going on and that sort of thing. Those sort of low-impact things as in scallop diving and that would carry on in that area. It would help the scallop divers. The scallop divers have had quite a bit of funding on seeded scallops to seed areas. I remember years ago when it first started and I asked Fisheries how is the scallop seeding going on. They said it was fine until they got to size and then the whole lot ... the divers had the lot, basically. The buffer zones would work and, like I say, everybody would benefit and commercial fishing-wise you could have the smaller inshore boats that would fish that buffer zone and the offshore boats would be restricted to the area. It is very difficult for the smaller boats earning a living, especially during the wintertime to be fishing in these areas. For Portelet itself, it is a very good example because if you go down most days you can see the line is bordered by pots, so at least one fisherman is fishing. I spoke to one fisherman. He cannot get his gear on that line because a fisherman has parked his gear there, basically. It would be interesting. I would like to know the results of the Fisheries survey in the area. I know the first year was very good and I have asked them for the results and they said it is too early yet. I know they have done the second survey but I would question why we cannot have the results because they have been surveying for years in other areas and they could at least compare it with that. I know it is significantly a lot more. I know personally from the ormer experience that they have increased.

Deputy H.L. Jeune:

It is a really good point and it is something I have pulled up that we need to ask. It would be really useful for us to ... the points you have brought up in your submission about the already protected areas or the already no-take zone, how has it been, basically. I think it is something that we can definitely ask the Minister for more information on that. We have a hearing with him on Wednesday and we have other points to be able to ask for those things. It is a good point.

Member, Marine Biology Section:

We have done an initial one on the ormers, basically. I did a walkthrough survey of the area and I think over 6 months of the winter I found 6 ormers and then the section went down one day and recorded 34. So from the 6 months to a one day, you can see ... and the tagging was going well, but I fear the area is being fished so our data is going to be a bit skewed. I went down the other day and you could see below the tideline did not appear to be touched and it was very good with the ormers. A lot of the species, especially ormers, benefit from being in larger numbers and then produce and they are more robust to threats of diseases and that sort of thing. We have had the ormer disease before, so if the stocks are more robust they will be better protected.

[15:30]

Going back to the production of a no-take zone, the evidence is up to 450 per cent improved production. Going back to a buffer zone, I think they do have that scheme off Lundy. They have various zones within there and in their original lobster surveys I think it was 125 per cent in a few years. So they have got figures there and it has been in place for quite a few years and it is well studied.

Deputy H.L. Jeune:

It is also very interesting to have the different kind of zones.

Member, Marine Biology Section:

We are talking about commercial species as well, so it is of good value, basically, which help to sustain the fishing industry and we are tinkering around with size limits going up 1 millimetre on a lobster. It is not really ... the stocks have been in decline for years and years, so we are not managing them that well, basically, I would say.

Deputy H.L. Jeune:

Going to your point on the Ramsar issues, it would be interesting, because that brings us back to monitoring in the past and what is happening now. Something that another submission brought up was that it used to be a Ramsar group that was non-government and now it has become Government owned, more Government. Do you feel that that is something that should stand outside, it should be an independent ... anything that is on this monitoring being able to have ...

Member, Marine Biology Section:

I think originally it was Government-led and the Government have always been involved and they have to be in some respects. The problem is it is not really clear what is going on, basically.

Deputy H.L. Jeune:

It is still not clear.

Member, Marine Biology Section:

As I say, the minutes of the meeting were last published 11 months ago. I go back to the whole management. It is a public domain and I believe there should be more public engagement within the whole management of the area.

Deputy H.L. Jeune:

Absolutely. I think that is a good point to raise. It is something else to raise as well, to ask. Is there anything else within your submission that you feel that we have not talked about that you would like to bring up? Looking at this, I feel that you have covered quite a lot of areas but ...

Member, Marine Biology Section:

I would love somebody to propose the east coast low-take zone, some politician that would have the incentive and goodwill to do that would be the thing. The outline is there and ...

Deputy H.L. Jeune:

You will want a politician from the east coast would be the best.

Member, Marine Biology Section:

It would be nice if the Minister himself, who is open to communication, would communicate what his thoughts are on it. It was disappointing that he has been emailed and not responded. This was before he was Minister.

Deputy H.L. Jeune:

They do touch upon it, do they not, in the M.S.P.?

Member, Marine Biology Section:

Yes. The area, because there are large seagrass beds there, which are important in their own right, and the M.S.P. will have a seagrass management thing that will undertake protection there but that is not clear at that level. But they said there was not ... I cannot remember the exact words but something along the line that the fishing activity there was negligible and there was not a lot of activity there. Well, surely that would be a good reason to make it a no-take zone. I know there was a lot of objections from some anglers but my ... it is an outline scheme would be to still allow fishing off the old headland at Archirondel, that you would not be able to fish on the right-hand side of the bay but you could fish on the left. Again, that would be acting as a buffer zone that they would be benefiting from the non-take zone. I was at Portelet the other day and there was what appeared to be small bass feeding within the shallows, so it would be interesting to see how fish stocks do improve. That is the other thing. What they have done in New Zealand is extend these ... they wanted to extend these areas offshore so the fish can get to offshore corridors where they can breed as well.

Deputy H.L. Jeune:

Do you see a problem with the potting being all along the line of the no-take zone or it does not really matter, it would be okay? Is it an issue in itself?

Member, Marine Biology Section:

In an ideal world it would not be so intense, basically, but it shows that the non-take zone is working and it would be nice to hear the fishermen's views on whether they think there should be a buffer

zone or how it could be put in within fisheries management. There is a possibility you could have areas like a farmer would have a field that you put aside for 5 years and then allow fishing in that area.

Deputy H.L. Jeune:

Set aside, yes.

Member, Marine Biology Section:

There are various ways that it could be implemented. It does not have to be ... ideally a shoreline like Archirondel we would like to be permanent because it is so good. That is one of the benefits, it is so good for the public. We have got Portelet but it is a long walk, so not everybody can access the area. The east coast lends itself so well and you could have a little research area at Archirondel Tower or the old La Crête quarry as well. You could have visiting students coming over as well, so it could have an educational aspect to it.

Deputy H.L. Jeune:

Thank you. Does anybody have any other questions? I am looking at your submission just to make sure we have covered everything. I know you have probably got it in your head. I think you have covered all the different points. Has anyone got any questions?

The Connétable of St. Mary:

I have been going through this as we have been going along and we have covered most of it, I think, yes.

Deputy H.L. Jeune:

Yes, I think we have. Is there anything else, Nick, that you would like to say?

Member, Marine Biology Section:

Yes, I would like to see a bit more openness and transparency about the ... we have touched on it but the Marine Resources Panel is a bit of a closed shop. I have sat on there for a year and I remember I spoke out publicly about issues of gillnetting and that and it did not go down well with the panel. Their view was it is only a few birds, what does it matter, basically, and I was told that I was not allowed to air concerns in the media. I had to bring it to the panel, whereas you see the Fishermen's Association is very good at using the media to its own benefit, sort of thing. My view of engaging with these panels at the moment, apart from this one, is that I am better off with my time doing research and let the research speak for itself, basically. Whether I will carry on doing this, I do not know but I love the research at the moment, so I will keep ...

Deputy H.L. Jeune:

That is very important and as it says on the M.S.P. it is supposed to be evidence based so it is important.

Member, Marine Biology Section:

I know there has been some writing on the M.P.A.s that have been there at the moment of benefit but I see a couple of submissions are questioning the existing M.P.A.s, that there is no life there and this sort of thing. Are they actually working, basically? I go back to a no-take zone, they do work but if it is an M.P.A. and it is not being managed or it is only selective on one fishery, basically, but the scallop divers are in there every day and they will be efficient as well, basically.

Deputy H.L. Jeune:

No, it is really different. Thank you very much, Nick. Thank you. I think we have got lots of points that you have raised that we can discuss as a panel and, as I said as the process, Anna will be in touch with the transcript for you to review and we will be sending you the exclusive report ahead of time so that you can review that too. Hopefully it all fits into the debate on 22nd October and it should be a good one. We are hoping to have a moment in the Assembly where we can talk a lot about marine life and I think it is important to have that.

Member, Marine Biology Section:

That would be good because I do feel it needs champions and I do feel there are few political champions for the marine life and the wildlife, basically.

Deputy D.J. Warr:

It is because no one is in the industry, that is why, is it not? They are not part of it, are they, out there?

Member, Marine Biology Section:

Yes. It will be good to hear the discussion and if there is anything that you want to come back on in there, either myself or one of the section are quite happy to help. We have experience in various areas. They may have different opinions to me though.

Deputy H.L. Jeune:

Thank you very much.

[15:40]