

ENRP Response to Stakeholder Response to Changes made in Response to Stakeholder Feedback from TAC Consultation

No.	Sector	Section	Comment	Response
1	Commercial	3.1.6	Can it be explained why this sector only refers to multiple vessels? (Licensing multiple vessels to fish under 1 licence)	As the main income streams of the sports fishing sector is providing a service rather than exploiting the fishery an operator may need to utilise multiple vessels to accommodate multiple bookings at the same time. Will update sports angling to state this for consistency throughout the sports fishing sector.
2	Commercial	5.1	Adding this statement, questions consistency. (Will all Marine Operations be licensed)	There are some types of marine operations that may not require environmental licensing. This will be explained in more detail in the marine developments policy that is currently being drafted.
3	Commercial	6.4.1	The word “potentially” needs to be removed to be consistent with other fisheries sectors.	I agree and have updated accordingly
4	Commercial	6.4.2	????? You are referring to spear fishing again!	Thankyou for pointing out this error. I have updated accordingly
5	Commercial	6.6	Surely, the amount of enforcement effort should be calculated on the need to ensure compliance???	Yes, this is stated in this section. Other things mentioned are seen as the main factors in evaluating what is needed to ensure compliance and managing the risk of non-compliance.
6	Commercial	6.7	This strategy it would seem is going to be heavily reliant on intelligence received, which does not demonstrate a proactive approach.	Have replaced received with gathered as it is a more appropriate term. The gathering of the intelligence from patrols, boardings and inspections will be the proactive element. I understand your concern however intelligence led risk based enforcement is the best way to manage an industry where limited enforcement resources are available.
7	Commercial	Figure 2	Headings in relation to Tuna Fishery and Inshore Fishery needs to be clearly identified. Are we right to assume that Inshore Fishery relates to Ground Fish Species?	Have updated table for clarity

8	SHNT	1	EFZ or EEZ, not consistent throughout document or other relating policies	The term EFZ is defined in part 1 and used consistently throughout the document. This definition is consistent with the Fishing Licencing Policy For St Helena Island
9	SHNT	1	perhaps should use the term 'commercial stakeholders' to differentiate from general stakeholders which would include the public, NGOs and other interested parties who don't exploit the marine resources	Stakeholders is defined in such a way that it works for the correct interpretation for this document.
10	SHNT	Multiple	Capitalised versus non-capitalised previously (Marine Management Plan)	Have updated this so it is capitalised throughout as it relates to a specific document.
11	SHNT	2.2	Listed as: MARINE ENVIRONMENT ACCREDITATION SCHEME FOR ST HELENA	Have updated section 2.2 to reflect policy updates in other areas.
	SHNT		How long is the pilot scheme?	
	SHNT		When will this policy consultation occur?	
12	SHNT	2.2	should mention introduction of TACs and quotas and commercial/ sports/ recreational, if noting update of legislation	These items are not being introduced with the new legislation and have existed under the Fishery Limits Ordinance 1977. This is also mentioned in the Licensing Policy.
13	SHNT	1	Similar comment as per page 3: perhaps should use the term commercial stakeholders to differentiate from general stakeholders which would include the public, NGOs and other interested parties who don't exploit the marine resources	I think the definition of stakeholders works for this document. Commercial Stakeholders is not appropriate as not all licensed activities are commercial.
14	SHNT	2.4	is this open to misinterpretation? If there are penalties for non-compliance, perhaps best to remove 'voluntary' as this wording almost implies no repercussions for non-compliance.	Voluntary compliance refers to compliance achieved through engagement rather than enforcement action. It is where a stakeholder changes their behaviour because they are aware of and agree with the regulation. Have updated section 1 to provide clarity.
15	SHNT	2.4	Unclear as to what this is referring to/covering, as it the first mention of 'co-management'	Have changed to co-operative for ease of understanding.

16	SHNT	2.4	I'm not sure it makes sense to have bullet points with the sentence '[...]stakeholders will [...] under an opening sentence which ends [...] ENRP will: [...]? Surely all bullet points should be listing the actions/responsibilities that ENRP will undertake, as per the opening sentence?	Agree, have updated points 1 and 2 to refer specifically to ENRP actions.
16.1	SHNT	2.4	Point 3 and 4 correctly follow what ENRP will do, points 1 and 2 do not	Agree, have updated points 1 and 2 to refer specifically to ENRP actions.
17	SHNT	2.5	All stakeholder should be required to provide contact details for this very purpose	Anyone stakeholder that applies for a licence will be required to provide contact details. There will however be stakeholders conducting activities that do not require a licence so we may not have contact details for them.
18	SHNT	2.5	Perhaps add a point to include keeping a record of when information to the stakeholders has been provided on legislation and policies and get the stakeholders to sign that they have been clearly explained the regulations – this way there is a paper trail showing that ENRP has provided the information and training and the stakeholder has been given this information – prevents future people saying “I didn't know”.	Making a written record on any conversations where advice is given is standard enforcement practice. To go into this level of detail in policy is not practical.
19	SHNT	2.5	For the avoidance of confusion, it would make sense to have contact details listed with one person/office	This strategy is wider reaching then other marine policies and covers areas managed by many different officers. These officers must be mentioned for this reason.
20	SHNT	3.1	Contrary to 3.1.4 wording (Can only licence fishing fom a vessel)	We are currently in a transitional period with the new fishing ordinance being drafted. We do not currently have the legal power to licence fishing activity from the shore. The new ordinance will give us the power to licence shore based activities. I will update 3.1.4 to reflect this.
21	SHNT		Need to add (TAC) to acronym section	Done

22	SHNT	3.1	Considering public health, is it worth including 'must be processed at a licensed processing facility?'	MES will work with public health to assist in compliance. No specific PH regulation is mentioned as it may change.
23	SHNT	3.1.3	Includes environmental and financial considerations. Viable implies only financial considerations	Agree, have updated to reflect sustainability
24	SHNT	3.1.3	Current wording does not state that fish can be sold if caught under this license.	Each exploratory licence will be different so I have put nothing concrete in the strategy.
25	SHNT	4	Not consistent with stipulation in Accreditation Scheme Guidance "The scheme is a requirement of the Marine Tourism Policy for St Helena, and participation and completion to a satisfactory standard is mandatory prior to the Chief Environmental Officer granting a marine tourism license.	We are currently in a transitional period with marine tourism regulation. At the moment the accreditation scheme is voluntary as there is not the legal framework in place to licence this activity. This will be eventually licenced under the EPO as stated in this section.
26	SHNT	4	ideally add a date at which it will be compulsory to have a license and be accredited	This date is not known.
27	SHNT	4	not sure this is a necessary statement (sentence reads better with this bit deleted) and then doesn't point fingers at MTOs before data on who really is more likely to breach regulations is available	Agree, have deleted.
28	SHNT	5.1	how often is this – should be annual spot checks (so identifies a minimum number of times inspections will be conducted. Should also say spot checks alongside (monthly? Quarterly?) collection of logbooks to ensure correct data collection (to check how much sand being extracted etc)	The level of enforcement effort will be assessed for each licence individually.
29	SHNT	5.2	All research requires a permit, regardless of any EPO breaches	The only legal mechanisms to license research come from section 5 of the EPO. Licences can only be issued for research activities that constitute an offence under the EPO. Any research activities that do not constitute an offence under the EPO are unregulated and do not require a licence by law.

30	SHNT	6.2	There absolutely needs to be a section on risks associated with the offshore exploratory license.	Have updated to reflect this.
31	SHNT	6.2	what is this? Best to state e.g. the MES will record weekly the vessels which it sees out fishing/conducting marine tours and cross check this against reported log book trips. Best to also state a minimum number of targeted inspections – how many per vessel per year as a minimum.	Have updated this section for ease of understanding. I will not be including inspection targets as this is not good enforcement practice.
32	SHNT	misc	Add (IUU) to acronyms	Done
33	SHNT	6.2.2	Detection – but what plans/measures are in place to investigate/prosecute IUU?	Have updated to include this.
34	SHNT		Capitalization continuity	Have updated for continuity
35	SHNT		Continuity with St and Saint	Have updated for continuity
36	Sports Spearfishing	6.4.1	one comment I would like to make is that under OBSERVER comments made in the document you refer to a high level of observer coverage under 6.4.1....sports spear fishing. I find this unfair and discriminatory as none of the other has this wording to it....why????	A lot of the content of the Compliance and Enforcement Strategy is based on enabling the Fishing Licensing Policy. Section 18.5 of the Fishing Licensing Policy relates to licence conditions specific to sports spearfishing and states; The requirement to carry a local Observer (where one is available) at all times approved by the SFO, for the duration of the spearfishing trips. This is in there as sports spearfishing is a relatively new sector. After a period of high level of observer coverage has established a baseline for the way the sector works and the level of catch during operations, the level of observer coverage will be dropped. As the Fishing Licensing Policy states (where one is available) in relation to observers this should not hinder your ability to conduct sports spearfishing activities.
37	SHNT	6.2.3	This is not aligned with a statement from Jane Rumble OBE on 19 th August 2020: “All commercial catches will be landed in St Helena to benefit the investment made in the upgrade of the processing factory.”	The fishing licencing policy provides for foreign licencing for commercial fishing to support local catch capacity but it does not state that all catches would have to be landed in STH.

38	SHNT	6.3	Education and outreach programme to encourage and raise awareness of the importance and requirement to submit returns, given that this is a brand new aspect?	This would be covered under section 2.5
39	SHNT	6.3	Logbooks will be examined every XX months to appraise the efficacy of paper returns, versus the need to digitize/etc?	There is currently no intention to digitise log book returns.
40	SHNT	6.3.1	Which officers? MES?	Have updated to state MES
41	SHNT	6.3.1	please state a minimum number (of inspections) per vessel per type of trip per year	It is not productive to use a number of inspections per year as a KPI for enforcement work.
42	SHNT	6.4.1	what is high level – please give minimum % or number of trips covered and why only “potentially followed” surely as per the other fishing types you have to continue to do inspections to ensure that they don't stop complying – again please state a minimum number of inspections per vessel per year.	See response to comment 36 and 41. Have removed "potentially"
43	SHNT	6.4.1	Are log books required?	Yes, have updated to include this.
44	SHNT	6.5	agree educational approach is needed but what about continued non-compliance - at what point can an MTO lose their accreditation – or temporary suspension etc – think you need to include detail here or when a license would be revoked and if and how it could then be regained – ie after banned period, retraining etc? Otherwise it looks like that if people continue to break the rules there is no stronger measures being taken other than education..... State enforcement will be conducted as per section 7 of this document for all types of marine activity/licence.	Section 7 adequately covers enforcement responses to offences.
45	SHNT	6.5	Is this (visiting yachts) referring to the non-resident MTOs as per	The term visiting yachts refers to yachts visiting Saint Helena.

46	SHNT	6.6	What are environmental licenses? Definition needed – is this sand extraction etc? first time its mentioned using this term.	This area of work has moved forward a lot since the drafting of this strategy. I have updated this section and section 5.1 have been updated to reflect this.
47	SHNT	6.8	perhaps specify exactly what you mean (domestic offences) here – i.e. everything that isn't IUU offshore fishing?	domestic offences refers to Saint Helena vessels or foreign vessels licensed to fish in Saint Helena waters. Have updated for clarity.
48	SHNT	6.8	This is very detailed, which is great, but it means that other areas that we have commented on should have more detail and clarity, for consistency	The strategy goes into detail in in areas where a high level of detail is appropriate.
49	SHNT	Figure 2	Environmental licensing should also include some spot checks rather than just only when intelligence received – e.g. sand extraction should be monitored to ensure data collected properly on amount of extraction and not extracting too close to protected wrecks etc.	This has always been the intention. Have updated table to better explain this.
50	SHNT	Figure 2	More likely to get compliance if people think they are going to be inspected at least a few times in a year. Again same with rockfishing – while not licensed or nto one of the higher risk activities why not do spot checks on key rockfishing sites at least every quarter? Presence of checks being done is best way to ensure compliance?	At the minute there is very little regulation with regards to rock fishing. This will be reviewed when new regulation is introduced.
51	SHNT	Figure 2	For January, dive tours should also be red, given the previous issues with SCUBA at whale shark aggregation sites	Have updated in line with this advice
52	SHNT	Figure 2	We were unaware we had a lobster fishery? Lobsters are caught by recreational fishers and should not be caught commercially.	There is nothing that stops commercial fishing for lobster.
53	SHNT	Figure 2	Tuna fishery should be Offshore Exploratory Fishery, as tuna is also caught by inshore fishers	Have updated table to separate inshore and offshore fishing.
54	SHNT	6.9	Will there be details of the offshore, exploratory compliance checks? Or for tourism?	We do not have the capability to conduct offshore boardings. Tourism is likely to be handled using observers rather than boardings.

55	SHNT	6.9	Officers/ENRP/ MES? Needs some clarification	Have updated to state MES
56	SHNT	6.9.1	If fishers are only approached once on land, how will gears and full landings be checked? i.e. how will we ensure unlicensed items are not still on board the vessel?	Every enforcement action can only achieve so much. Fishers do not routinely leave fish aboard vessels post landing. If stakeholders start behaving in this way procedures will be updated in response to this.
57	SHNT	6.9.3	As per statement from the HE Governor on 11 th September: "Regarding exploratory fishing licences, a licence issued to any fishing operation wishing to catch Bigeye tuna would be required to have observer coverage. Observer coverage will be implemented to ensure licensing conditions are being complied with. SHG will be the scientific research licence holder for an exploration fishing initiative and therefore would ensure that the data collected is of good quality and integrity to inform sustainable management of Bigeye tuna stocks within our MPA."	Yes, with regards to the BET exploratory licence the operation as a whole will have observer coverage. The amount of observer coverage will be dictated by resources available. NOTE - there will not be 100% observer coverage.
58	SHNT	7.1.1	maybe worth stating the maximum duration for this e.g. 3 or 6 months from a new operator starting that business type or a new licensing regulation being introduced. Open ended time periods can lead to room for complaints of unfairness	The length of the educational period will depend on the level of change and the complexity of the regulation. Bigger, more complex changes will have a longer educational period than low level smaller regulatory changes. MES will ensure complaints of unfairness have no merit by acting in a fair manner at all times.

59	SHNT	7.1.2	<p>this reads like it also includes if the person has been taken to court? Surely if they have had a warning letter and an admin penalty a suspension of license may also be appropriate. Perhaps don't be as specific as "exhausted all other enforcement options" as a suspension and retraining may be a more effective method than continual penalties.</p>	<p>Revoking a licence and effectively removing someones livelihood is seen as an extremely high level of response. This is a power that is usually reserved only for courts and would only be used in the most drastic of circumstances.</p>
60	Recreational	N/A	<p>A number of recreational boats land passengers on the rocks in order for them to fish and then pick them up with their catch. How would catch in these circumstances be treated?</p>	<p>whether the catch is to be counted against quota would be ascertained by comparing the catch to the vessels logbook. If it was suspected that a vessel was landing fish and illegally passing it off as rock fishing catch then an investigation would folow.</p>