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Connétable M. K. Jackson
Chairman, EHI Scrutiny Panel
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1 November 2019

Dear Connétable

Re Quarterly Hearing – Additional Questions

Thank you for your letter dated 25 October 2019.

Further to your request for answers to the panel's additional questions, please see response below:

Draft Wildlife Law

1. Following the public consultation, please can you provide us with an update as to where you currently are with making revisions to the proposed draft law?

i. What is the cause of the delay for lodging the draft law?

Due to the need for urgent legislation in relation to Brexit, there has been a delay in producing legislation for other business including, but not limited to, the Wildlife Law.

ii. Will you be placing this as a priority for the end of 2019 / early 2020?

We are planning on producing a draft before the end of 2019.

iii. Are you keeping key stakeholders who contributed to the consultation apprised on progress?

We will keep contributors informed on the progress as final drafting takes place, and as we take the necessary amount of time to ensure the consultation is done properly.

Sewage spills and 'fatbergs'

- 2. In light of the recent sewage spillage and 'fatbergs' being washed up on Havre De Pas beach and the bathing pool, please can you advise what measures will be put in place to prevent future occurrences?**

Following discussion with the scrutiny officer, this question has been redirected to the Minister for Infrastructure.

- 3. What measures will be put in place to communicate better with business owners if it does happen again?**

Following discussion with the scrutiny officer, this question has been redirected to the Minister for Infrastructure.

Sea lettuce management trial

- 4. How is the sea lettuce management trial progressing?**

Following discussion with the scrutiny officer, this question has been redirected to the Minister for Infrastructure.

- 5. When will the trial come to an end and when do you hope to report on the outcome of the trial?**

Following discussion with the scrutiny officer, this question has been redirected to the Minister for Infrastructure.

Desalination

- 6. In the event that a changing climate continues to reduce the levels of rainfall that Jersey experiences, do you expect the desalination plant at La Rosiere to be eventually used more frequently in order to provide fresh drinking water, and if so, what effect will this have on both your department and the taxpayer?**

Yes, in the event that climate change continues, we do expect the desalination plant to operate more frequently and, assumedly, this would lead to an increase in cost by Jersey Water. The Island Plan will take into account the eventual need for an additional reservoir.

Brexit

- 7. We note that, during the Assembly sitting on the 11th September, you successfully moved legislation forward in the schedule to ensure that it could be approved by the Assembly before the 31st October, when the UK may leave the EU without a deal. Is there any other outstanding Brexit related legislation which you are likely to bring forward to the Assembly? If so, please provide details.**

For areas in which it was identified there was a need for legislation, we took the appropriate action in advance where possible. However, as was stated in 11 September States sitting, the need for legislation has had to be dynamic as the UK has been negotiating with the EU on our behalf. At this moment in time, there is no outstanding Brexit legislation which we are aware of.

8. How has your department adapted to the changes in attitude towards Brexit that has taken place within the UK government over the past few months?

We have always prepared for the worst-case scenario, independently from perceptions of the UK Government's attitude.

It is important to note that Brexit has affected our BAU resources and we have sought funding to backfill as needed.

Green fields

9. During a live Q&A session on Facebook, the Minister for Children & Housing stated that the Island might need to build new housing on green fields. A few days before, the Constable of Grouville stated that a lack of brownfield sites may require the use of green spaces. Do you expect the criteria for new builds on these sites to change in order to accommodate a larger population as part of the Island Plan? If so, what role will you have in reshaping how green zones/fields can be used?

The new Island Plan will have to address where and how the island's development needs for the next ten years can be met, which might include the use of some green fields. A range of potential options for the new plan's spatial strategy have been set out as part of the Island Plan Review Strategic Issues and Options consultation, the outcome of which will be published soon.

It is my responsibility, as Minister for the Environment, to bring forward a draft Island Plan, however, it is the States Assembly which will ultimately approve the content of the policies and proposals within it.

Dolphins

10. A study published by Scientific Reports concluded that the Normano-Breton Gulf contains high pollutant exposure level for the bottlenose dolphin community living there.

i. Given that Jersey exists inside this gulf, what work is your department doing to prevent high levels of organochlorinated contaminants from harming wildlife in the surrounding waters?

We monitor effluents from Jersey, but output from the water treatment plant are the responsibility of Infrastructure. They are contemplating installing a Nitrate recovery plant, but this would be a £20 million project. We work with the Action for Cleaner Water group to keep reducing nitrates use by the agriculture. As we have almost no industry, the other sources are insignificant, as far as I know.

In this respect, the contamination measured from NBG dolphins may have originated from some distance outside the area.

It should be noted that Marine Resources do not monitor the levels or use of organic pollutants in the island although other GHE teams (such as Environmental Health and Environmental Protection) may be able to quantify Jersey's generation of persistent organic pollutants. Since 1994 Marine Resources have made quarterly measurements of heavy metals in seaweed and shellfish samples (intertidal and offshore) with levels always having been low.

ii. How might it fit into the climate change initiatives you are currently working on?

Marine Resources (in conjunction with local and other NGOs) monitors the local marine mammal population via recorded sightings (circa 500 per annum) and the use of seabed hydrophones which record several hundred encounters annually. We also take measurements and samples from dead individuals (around 10 to 15 a year).

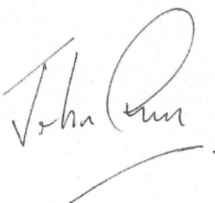
This assists us (and our research partners) in documenting and understanding the abundance, site usage, population structure and behaviour of dolphins, porpoises and seals within Jersey waters. This information is incorporated into our wider marine spatial management project which is using ecosystem service principles to look at the ecological, socio-economic and cultural value of our marine environment.

However, while our marine spatial management project includes the evaluation of individual habitats within a climate change framework, our marine mammal work is not directly linked to any climate change initiatives. Early results do suggest that some shallow marine habitats (such as kelp forests, seagrass meadows and maerl beds) do act as effective carbon storage areas although the actual contribution that they could make towards Jersey's Carbon Zero target has yet to be established.

Please note that I have attached an appendix which provides further background to the recently published study.

If you require anything further or need additional clarification, please do not hesitate to contact me.

Yours sincerely



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Background

The recently published study on contaminants found in dolphins from the Normano-Breton Gulf (NBG) was authored by the Groupe d'Étude des Cétacés du Cotentin (GECC), a French NGO based in Normandy. The GECC undertake academic studies on marine mammals (principally dolphins, porpoises and seals) in our region and publish all their results online. Marine Resources communicate regularly with the GECC and we collaborate on some projects including a quarterly seal census which operates across the whole NBG.

Prior to its publication, we were aware of the GECC's work on dolphin contamination and, with the Société Jersiaise, facilitated two of the GECC's scientists to come to Jersey to give a public talk on this topic in 2016. The study published in *Scientific Reports* was based on skin and blubber samples taken from living Bottlenose Dolphins in the NBG but previous to this the GECC had been testing necropsy samples (including from internal organs) taken from dolphins washed up dead in Normandy.

Both studies revealed high levels of persistent organic pollutants (particularly PCBs) in the samples and high or elevated levels of heavy metals (especially mercury but in the necropsy samples also cadmium, lead, nickel and copper). Given that the pod of Bottlenose Dolphins in the NBG is permanent and has a geographic range that includes Jersey's coastal waters, the contamination measured will apply to dolphins seen in Jersey and French waters. (NB Many of the samples taken for the *Scientific Reports* study were from animals at Les Écréhous and Les Minquiers). Jersey has collected and stored necropsy samples from dead dolphins but the financial cost of testing is high and, in light of the work of the GECC, was deemed to be a duplication of work.

As top predators, dolphins consume large quantities of fish which will themselves have consumed other marine organisms. Pollutants (such as PCBs and heavy metals) are environmentally persistent and will become concentrated as they move up through the food chain. This means that top predators, such as dolphins, seals, tuna and sharks, will be assimilating all the pollutants and toxins consumed by other organisms further down the food chain. Given the large quantities of fish that a dolphin consumes daily, it is easy to see how, as the animal grows, toxins may accumulate and become concentrated in key body tissues.