

19-21 Broad Street | St Helier
Jersey | JE2 4WE

Constable Jackson
Chair, EHI Panel

BY EMAIL

22 April 2022

Dear Mike

Re: WILDLIFE (AREAS OF SPECIAL PROTECTION) (JERSEY) ORDER 2022 (Les Ecréhous)

I write in response to your letter received 20 April 2022, with regard to the above Order and the activities of Jersey Seafaris.

The Order, and the establishment of the Areas of Special Protection, has been made in accordance with all legal requirements as detailed in Article 35 of the Wildlife (Jersey) Law 2021. The Law came into force on 4 June 2022, following adoption by the Assembly and a review undertaken by your Panel. The Order supports Proposition P.94/2020 which was endorsed overwhelmingly by Members, and which required me to bring forward legislation to protect the reef. The issues raised by the proposition are contained in this Order.

Article 35 sets out the requirements for consultation, specifically Article 35 (2) that states that the consultation must include *'every owner or occupier of land falling within the area proposed to be designated'*. It is important to note that the requirement does not include every 'user'.

In accordance with this, discussions with the Ecréhous Residents Association (ERA) and the Parish of St Martin regarding the proposed Area of Special Protection commenced in October 2020. These discussions facilitated a partnership approach, and I am very grateful for the commitment of the ERA and Parish for their demonstrated care of wildlife on the reef. The Receiver General has also given his full support.

The discussions enabled officers to test and develop approaches to safeguard the breeding birds during the season last year. Many of these, such as cordoning off nesting sites to prevent disturbance and working with Ports of Jersey and commercial rib operators to provide advice and guidance to inform their passengers, formed part of the approach last year. Practically, there are very few requirements in the current Order that Jersey Seafaris need to undertake that were not in place during the 2021 breeding season or that do not form part of current codes of practice.

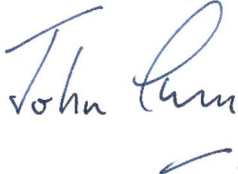
As done last year and as required by the Order, officers will issue guidance and place explanatory signage and cordons again for this year's breeding season. These will be in place ready for the arrival of the terns (expected around the second week in May). There is time therefore for Jersey Seafaris to undertake any training required and officers are available to clarify or assist if required.

Our breeding seabirds must be afforded the fullest protection, particularly those listed in our new Wildlife Law and those, such as the Roseate Tern, that are critically endangered. The reef is also listed as a Seabird Protection Zone and listed by Ramsar as a wetland of international importance.

Officers have undertaken considerable work on the Order, with the engaged support of the ERA and Parish. Commercial interests, such as Jersey Seafaris can still undertake their business activities and, as explained, there is little change from what was in place last year.

Given the above, I will not therefore rescind the Order.

Yours sincerely



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