

Draft Wildlife (Jersey) Law 201- Consultation Responses



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1. Wildlife (Jersey) Law

1. This survey asks for your views on the draft Wildlife (Jersey) Law 201- which will replace the Conservation of Wildlife (Jersey) Law 2000 as Jersey's main legislation for protecting wildlife from harm. The areas covered in this survey are: Definitions for 'wild animal' and 'wild bird' Schedules and levels of protection for wild animals, birds and plants, Protection of dens, nests, breeding sites and resting sites, Areas of Special Protection, Methods of killing or taking all wild birds and wild animals, Release of animals, birds and plants into the wild and Licences. We recommend that you read the consultation paper and draft law before giving your views on the areas of interest to you, and any other comments that you wish to make in the final section. If you are responding on behalf of an organisation we will ask for its name, but will not make it public as an individual, your answers will be anonymous but you are required to state your area of work. Your answers will only be used to shape the proposed legislation.

| | | | | | | Response Percent | Response Total | |
|-----------------|---|------|-----------------|------|--------------------|------------------|----------------|----|
| 1 | I'm responding on behalf of an organisation | | | | | 16.39% | 10 | |
| 2 | I'm responding as an individual | | | | | 83.61% | 51 | |
| Analysis | Mean: | 1.84 | Std. Deviation: | 0.37 | Satisfaction Rate: | 83.61 | answered | 61 |
| | Variance: | 0.14 | Std. Error: | 0.05 | | | skipped | 0 |

2. Responding as an individual

2. Which sector do you work in?

| | | | | | | Response Percent | Response Total | |
|-----------------|----------------------------|-------|-----------------|------|--------------------|------------------|----------------|----|
| 1 | Ecological consultant | | | | | 5.88% | 3 | |
| 2 | Environmental NGO | | | | | 11.76% | 6 | |
| 3 | Construction industry | | | | | 1.96% | 1 | |
| 4 | Pest / wildlife management | | | | | 5.88% | 3 | |
| 5 | Agriculture and fisheries | | | | | 5.88% | 3 | |
| 6 | Public sector | | | | | 15.69% | 8 | |
| 7 | Land owner | | | | | 11.76% | 6 | |
| 8 | Wildlife volunteer | | | | | 17.65% | 9 | |
| 9 | Land management | | | | | 3.92% | 2 | |
| 10 | Tree surgeon | | | | | 0.00% | 0 | |
| 11 | Other (please specify): | | | | | 41.18% | 21 | |
| Analysis | Mean: | 8.94 | Std. Deviation: | 4.02 | Satisfaction Rate: | 77.25 | answered | 51 |
| | Variance: | 16.12 | Std. Error: | 0.56 | | | skipped | 10 |

Other (please specify): (21)

| | | |
|---|--|-----------|
| 1 | 16/10/2018 23:33 PM ID: 96949910 | Marketing |
|---|--|-----------|

2. Which sector do you work in?

| | | | Response Percent | Response Total |
|----|---|--|---------------------|-------------------|
| 2 | 18/10/2018 13:02 PM ID: 97093246 | n/a | | |
| 3 | 26/10/2018 09:48 AM ID: 97835067 | Animal NGO | | |
| 4 | 26/10/2018 11:03 AM ID: 97839521 | veterinary | | |
| 5 | 26/10/2018 11:59 AM ID: 97851089 | Individual | | |
| 6 | 30/10/2018 13:30 PM ID: 98141917 | Animal rescue and re-homing | | |
| 7 | 02/11/2018 13:31 PM ID: 98494938 | Animal care assistant | | |
| 8 | 02/11/2018 13:57 PM ID: 98498035 | Animal care | | |
| 9 | 05/11/2018 16:41 PM ID: 98700593 | Animal rescue, JSPCA | | |
| 10 | 06/11/2018 15:14 PM ID: 98829250 | veterinary surgery | | |
| 11 | 07/11/2018 12:09 PM ID: 98911400 | Animal care assistant | | |
| 12 | 07/11/2018 12:10 PM ID: 98906835 | Wildlife Rehabilitation | | |
| 13 | 10/11/2018 09:46 AM ID: 99228902 | Professional Dog Walker & Photographer | | |
| 14 | 15/11/2018 09:08 AM ID: 99632931 | Veterinary Nurse | | |
| 15 | 17/11/2018 12:47 PM ID: 99851233 | Student | | |
| 16 | 20/11/2018 20:55 PM ID: 100148302 | Ornithology Section, BTO regional rep | | |
| 17 | 21/11/2018 12:04 PM ID: 100189367 | vet | | |
| 18 | 26/11/2018 15:30 PM ID: 100576986 | charity | | |

2. Which sector do you work in?

| | | | Response Percent | Response Total |
|----|---|------------|---------------------|-------------------|
| 19 | 26/11/2018 20:28 PM ID: 100602065 | Finance | | |
| 20 | 26/11/2018 22:15 PM ID: 100610800 | Jersey Zoo | | |
| 21 | 27/11/2018 13:01 PM ID: 100657223 | Finance | | |

Comments: (6)




| | | |
|---|---|---|
| 1 | 02/11/2018 13:57 PM ID: 98498035 | Previously have had a career in zoo keeping, now working at the JSPCA |
| 2 | 06/11/2018 13:01 PM ID: 98811819 | Senior Civil Servant committed to the Aichi Biodiversity Targets |
| 3 | 07/11/2018 12:10 PM ID: 98906835 | At the JSPCA |
| 4 | 15/11/2018 09:08 AM ID: 99632931 | Work with Jersey's Wildlife on a daily basis |
| 5 | 26/11/2018 20:28 PM ID: 100602065 | Completing this questionnaire as an interested member of the public |
| 6 | 27/11/2018 10:29 AM ID: 100638511 | I work in the global conservation field but with high levels on interest in local conservation issues |

3. Responding on behalf of an organisation

| 3. Which organisation are you responding on behalf of? | | | | |
|--|---|--|------------------|----------------|
| | | | Response Percent | Response Total |
| 1 | Open-Ended Question | | 100.00% | 10 |
| 1 | 21/10/2018 20:42 PM ID: 97342816 | The Credible Food Project | | |
| 2 | 23/10/2018 13:41 PM ID: 97531188 | Jersey Marine Conservation & Jersey Seasearch | | |
| 3 | 26/10/2018 17:53 PM ID: 97910939 | Jersey Hedgehog Preservation Group | | |
| 4 | 30/10/2018 15:46 PM ID: 98190256 | Colomberie Property Consulting a.r.l and Earth Project Jersey Ltd. | | |
| 5 | 26/11/2018 15:33 PM ID: 100577833 | Jersey Bat Group | | |
| 6 | 27/11/2018 09:32 AM ID: 100629935 | Earth Project Jersey Ltd | | |
| 7 | 27/11/2018 11:56 AM ID: 100644301 | The Shark Trust | | |
| 8 | 27/11/2018 14:15 PM ID: 100664734 | Jersey Amphibian and Reptile Group | | |
| 9 | 27/11/2018 16:30 PM ID: 100680067 | The National Trust for Jersey | | |
| 10 | 27/11/2018 21:11 PM ID: 100707740 | Action for Wildlife Jersey | | |
| | | | answered | 10 |
| | | | skipped | 51 |

4. Definitions for 'wild animal' and 'wild bird'

4. The draft Wildlife (Jersey) Law amends the definitions given for 'wild animal' and 'wild bird' to ensure that only those animals and birds that are 'naturally occurring' are considered wild for the purposes of the law. Captive bred animals and birds (and their offspring) are also excluded. Do you support the proposed amended definitions?

| | | Response Percent | Response Total |
|-----------------|------------|--|----------------------|
| 1 | Yes |  | 72.88% 43 |
| 2 | No |  | 15.25% 9 |
| 3 | Don't know |  | 11.86% 7 |
| Analysis | Mean: | 1.39 | Std. Deviation: 0.69 |
| | Variance: | 0.48 | Std. Error: 0.09 |
| | | Satisfaction Rate: | 19.49 |
| | | answered | 59 |
| | | skipped | 2 |

Please give your reasoning for your response (29)

| | | |
|----|--|---|
| 1 | 16/10/2018 16:19 PM ID: 96912444 | This may not be a wide enough definition . The relevant EU Directive regarding Alien and Absent species uses the term 'geographically absent'. An example could be the Little Egret in the 1970's that at the time might fit the 'invasive' tag, but now is 'naturally occurring' . |
| 2 | 17/10/2018 17:24 PM ID: 97010609 | A wild bird or animal is one that is living and surviving in the wild. Be they native or not. The law should be ready to protect those that need protecting, native or not. To exclude non native animal and birds from any protection leaves them open to cruelty. |
| 3 | 20/10/2018 16:57 PM ID: 97302646 | My only (minor) concern is that using these terms separately adds confusion given that, of course, birds are animals. However, the definitions are well explained in the text. |
| 4 | 21/10/2018 20:42 PM ID: 97342816 | Naturally occurring animals (microbes) also exist below soil and should also be protected by any new law. |
| 5 | 23/10/2018 09:56 AM ID: 97497799 | Protect all native animals and birds, including pigeons and seagulls. People should not be allowed to press for culling species purely because, in some people's opinion, these wild birds are 'pests.' Not everyone shares this opinion. These birds have a right to life. |
| 6 | 23/10/2018 13:41 PM ID: 97531188 | Long overdue addition of Marine Species to the Law |
| 7 | 26/10/2018 09:48 AM ID: 97835067 | provides clarity |
| 8 | 26/10/2018 11:03 AM ID: 97839521 | Non-native species do tend to have an effect on the local ecosystem and local wildlife. While some non-native species may not have as much of an impact others, such as those terrapins which have been released into the wild, do. I do, however, think that these amendments would make it very difficult to determine responsibility for a wild non-native animal (at what point does a stray ferret become a feral ferret?) and I think this would need to be accounted for in the law. |
| 9 | 26/10/2018 15:36 PM ID: 97886838 | The revised definitions are sensible and allow for a practical approach to dealing with invasive and feral species that pose a threat to native wildlife. |
| 10 | 28/10/2018 06:42 AM ID: 97993869 | Unnecessary change for the sake of change |
| 11 | 28/10/2018 11:09 AM ID: 98001298 | Many of our native plants and animals are relatively recent arrivals, and climate change will continue to result in new arrivals establishing here, particularly marine species. Species introduced by people are the ones that need excluding such as the ferrets that are mentioned |
| 12 | 30/10/2018 15:46 PM ID: 98190256 | Wild animal, bird, insect, marine organism of any species that is not domesticated or controlled by human interaction, feral, free ranging. We need to have the widest possible protection with exemptions permitted where a species is designated a local pest. |

4. The draft Wildlife (Jersey) Law amends the definitions given for 'wild animal' and 'wild bird' to ensure that only those animals and birds that are 'naturally occurring' are considered wild for the purposes of the law. Captive bred animals and birds (and their offspring) are also excluded. Do you support the proposed amended definitions?




| | | | Response Percent | Response Total |
|----|---|--|---------------------|-------------------|
| 13 | 31/10/2018 15:53 PM ID: 98293718 | I need to have a bit more information.... | | |
| 14 | 05/11/2018 12:03 PM ID: 98703407 | Hopefully this will give more protection to the newly defined 'Wild birds/animals' | | |
| 15 | 06/11/2018 13:01 PM ID: 98811819 | Concerns about the interaction with 26 (1) (a) that introduces a possibly unnecessary rigidity. Climate change and biodiversity depletion mean that the wild population in Jersey is changing. The law needs to be nimble enough to accommodate that change. Propose tying in with the IUCN red list and adopting a monoist approach to International Environmental/Biodiversity Law. | | |
| 16 | 06/11/2018 15:14 PM ID: 98829250 | How long will a species have to have naturally occurred in Jersey before it is considered wild (native)? Red squirrels were introduced approx 130 years ago but are considered as naturally occurring. Where is the cut-off? | | |
| 17 | 07/11/2018 12:10 PM ID: 98906835 | These animals still need to be protected but maybe under a separate clause where they are to be brought into the JSPCA by an authorised person for domesticating or transport to their native countries. | | |
| 18 | 15/11/2018 17:59 PM ID: 99697428 | I hope the improved law will see some improved management of wild areas, this is currently almost non-existent. Grey seals and Bottlenosed dolphins are regularly harrassed by boats, jet skis and canoeists. For example seal haul out sites see daily visits and disturbance from commercial ribs. | | |
| 19 | 16/11/2018 09:18 AM ID: 99743907 | I have stated 'no' because I am unsure whether this would include game birds who were originally brought into the island to ultimately be shot but were released into the wild when this was realised it would be illegal to shoot birds other than those on the unprotected lease. Pheasants are now part of our environment and are controlled through the issuing of permits to farmers. There should be no change to this situation. | | |
| 20 | 21/11/2018 12:04 PM ID: 100189367 | How long does an animal have to live in Jersey before it is considered "native" e.g. pheasants? Also, ecosystem is always changing (new species naturally introduced e.g. marsh harriers) will these be considered native? | | |
| 21 | 26/11/2018 15:30 PM ID: 100576986 | non-native species can then be more appropriately controlled if necessary | | |
| 22 | 26/11/2018 15:33 PM ID: 100577833 | <p>On the whole I do agree with these definitions, but to an extent it will depend how the term 'naturally occurring' is to be interpreted (in the same terms as the UK/EU?).</p> <p>I understand that this serves to bring us more into line with the Wild Birds Directive, but it is not fully compliant by virtue of the use of 'Jersey' rather than 'Jersey and European territory of the Member States'. I know we are not part of the EU, but their definition was in part to stop egg taking/collection across the whole of the EU as well as protection of birds themselves.</p> <p>I acknowledge that this definition will serve to remove species that 'ordinary resident' and have established self-sustaining wild populations, and it is this that does concern me. These species would not be protected by the Wildlife Law, and would instead have to rely on the Animal Welfare Law for protection against certain forms of killing. I would suggest looking at that law to see whether there is appropriate protection of wild birds that fall outside of the proposed definition in the draft Wildlife (Jersey) Law.</p> <p>Care should also be taken to ensure that it is understood by the general public that vagrants that arrive by their own means are covered by this definition and are subject to protection under this law. The definition under the Conservation of Wildlife (Jersey) Law 2000 had a more explicit definition which would be more easily understood by the public</p> <p>'wild bird" means any bird of a kind which is ordinarily resident in or is a visitor to Jersey in a wild state'</p> <p>The definitions for wild bird and wild animal should be consistent, so whatever is decided for one should apply to the other.</p> <p>As a general note, the draft UK Wildlife Law defined 'wild bird' (s1(3)) and 'protected bird' (s.1(2)) under different sections and I wonder whether this should be mirrored in the draft Wildlife (Jersey) Law (with the same splitting for animals).</p> <p>I also feel that splitting the draft Wildlife (Jersey) Law into parts, the first for birds, second for animals would make the law more readily accessible.</p> | | |

4. The draft Wildlife (Jersey) Law amends the definitions given for 'wild animal' and 'wild bird' to ensure that only those animals and birds that are 'naturally occurring' are considered wild for the purposes of the law. Captive bred animals and birds (and their offspring) are also excluded. Do you support the proposed amended definitions?

| | | | Response Percent | Response Total |
|----|---|---|---------------------|-------------------|
| 23 | 26/11/2018 20:28 PM ID: 100602065 | Protection is required against species introduced by us, however given the current changes happening to our climate I do have some caution with what is "naturally occurring" today may change and Jersey finds there are new species such as birds migrate to the island. | | |
| 24 | 26/11/2018 22:15 PM ID: 100610800 | While I support the additional protections for native wildlife, I do not think these new definitions should be used as an excuse to persecute non-native species in a cruel and arbitrary manner. Also, how far back in history do you intend these definitions to go? Are Red squirrels to be considered native, even though they were introduced? How is the introduction of Red squirrels different to the introduction of ferrets? | | |
| 25 | 27/11/2018 09:32 AM ID: 100629935 | I am not convinced that 'naturally occurring' is preferable to 'indigenous', might be an idea to exclude 'human introduced' and invasive/itinerant. | | |
| 26 | 27/11/2018 10:29 AM ID: 100638511 | As captive-bred releases can be licensed for conservation purposes this amendment is suitable | | |
| 27 | 27/11/2018 14:15 PM ID: 100664734 | It is not clear why "wild birds" are separate from "wild animals", apart from the following, which does not seem to make any sense. The difference between the definition of a "wild animal" and a "wild bird" seems to be 1. in 2(4a) vs 3(4a). I.e. that birds can only be lawfully released "under and in accordance with a licence" whereas this is missing for "wild animals" under 2(4a). This is interpreted that any animal other than a bird can be released just by good intention without requiring a license. This would be extremely troublesome. 2. 2(2) in "subject to 2(3) whereas 2(3) states "fulfils the description in paragraph (2)". This does not seem logic and can't be interpreted easily. | | |
| 28 | 27/11/2018 16:30 PM ID: 100680067 | INN species are problematic and appear to be increasing annually causing problem for native species and in the case of feral geese, a risk to safety. We are aware of feral ferrets causing issues within St Ouen's Pond and elsewhere so distinguishing between 'wild' animals and released species (and educating people about the difference) is extremely important. | | |
| 29 | 27/11/2018 16:59 PM ID: 100688430 | It is not clear why "wild birds" are separate from "wild animals", apart from the following, which does not seem to make much sense. The difference between the definition of a "wild animal" and a "wild bird" seems to be twofold: - in 2(4a) vs 3(4a), ie. that birds can only be lawfully released "under and in accordance with a licence" whereas this is missing for "wild animals" under 2(4a). I interpreted this that any animal other than a bird can be released just by good intention without requiring a license. This would be extremely troublesome. If there were valid and principle reasons to distinguish wild birds from wild animals in the law, this should ideally be explained, as it is not a natural situation which can be understood by non-experts. More importantly though, "wild animals" should also only be released lawfully "under and in accordance with a licence", as for birds. - Paragraph 2(2) says that "subject to 2(3), an animal is captive bred when..." whereas 2(3) states "where an animal fulfils the description in paragraph (2)". This does not seem very logic to me. | | |

5. Protection for wild animals, birds and plants

5. The draft Wildlife (Jersey) Law introduces amendments that allow for varied levels of protection to be afforded to the wild animals, birds and plants listed within the law's schedules, in order to ensure that rarer species have greater protection than common species. These amendments also take into account the outcome of the First Quinquennial Review of the schedules to the existing law, which resulted in the removal of some species from the current schedules as well as the addition of others. Do you agree with the proposed Schedules of Protected Species and their associated levels of protection?

| | | | | | Response Percent | Response Total |
|-----------------|------------|--|-----------------|------|--------------------|----------------|
| 1 | Yes |  | | | 70.00% | 42 |
| 2 | No |  | | | 20.00% | 12 |
| 3 | Don't know |  | | | 10.00% | 6 |
| Analysis | Mean: | 1.4 | Std. Deviation: | 0.66 | Satisfaction Rate: | 20 |
| | Variance: | 0.44 | Std. Error: | 0.09 | | |
| | | | | | answered | 60 |
| | | | | | skipped | 1 |

Please give your reasoning for your response (30)

| | | |
|---|--|---|
| 1 | 16/10/2018 16:19 PM ID: 96912444 | I am involved with the Restoration Aquaculture of the European Native Oyster <i>Ostrea edulis</i> , with direct association with Irish, Scottish, Welsh and English projects as well as in effect undertaking this in Jersey as stock in culture have begun to generate settlement away from the culture sites. This species was always incorrectly defined by the Fisheries Department as absent (having been hyperabundant in the past). The Department's stance as written by an officer previously (Dr JShrives) was that 'it would not wish to see the 're-wilding' of Native Oysters'. This is in stark contrast to the approach of OSPAR (we are signatories directly) and new bodies such as NORA (Native Oyster Restoration Alliance) that incorporates many academic, governmental and private interests across Europe. It should be remembered that <i>Ostrea edulis</i> is regarded elsewhere as a major biodiversity 'keystone species'. |
| 2 | 17/10/2018 17:24 PM ID: 97010609 | All the animals need better protection. We need to step up the protection for all and move some like the hedgehog to a higher level. |
| 3 | 20/10/2018 16:57 PM ID: 97302646 | I would add that it may be worth adding 'fungi' to 'wild animals, birds and plants listed...' as some fungi are included in the quinquennial review (though I note their inclusion under plants in the law itself). |
| 4 | 21/10/2018 20:42 PM ID: 97342816 | If the law is going to be altered it has to include ALL naturally occurring animals and fauna. Some of the most valuable ecosystem services are delivered by soil fauna and flora, which must be included if biodiversity is important. |
| 5 | 23/10/2018 09:56 AM ID: 97497799 | Respecting the fine balance between conservation and IUCN criteria, and regard for animal welfare. |
| 6 | 23/10/2018 13:41 PM ID: 97531188 | Yes as I fully support the list of species we have identified as requiring protection |
| 7 | 26/10/2018 11:03 AM ID: 97839521 | I agree with the addition of the new schedules which are suggested in regards to nesting sites. I do not understand the need to give different levels of protection for different species - yes we should be wary of our endangered wildlife on the island but all wildlife should be protected and we should care about any animal regardless of how rare it is, especially in regards to welfare. |
| 8 | 26/10/2018 17:53 PM ID: 97910939 | At our recent Steering Group meeting it was agreed that hedgehogs should be given a greater degree of protection equal to that of red squirrels |
| 9 | 28/10/2018 11:09 AM ID: 98001298 | As long as there is a streamlined way of updating the conservation needs and status of species. This must also include provision to improve relevant habitats so that endangered species can extend their ranges in the island e.g. planting and correctly managing hedges, establishing ponds and preventing the infilling of existing ones, severely limiting the use of pesticides and garden chemicals, improving fresh water quality, and managing States land (parks, verges) to encourage wildlife |

5. The draft Wildlife (Jersey) Law introduces amendments that allow for varied levels of protection to be afforded to the wild animals, birds and plants listed within the law's schedules, in order to ensure that rarer species have greater protection than common species. These amendments also take into account the outcome of the First Quinquennial Review of the schedules to the existing law, which resulted in the removal of some species from the current schedules as well as the addition of others. Do you agree with the proposed Schedules of Protected Species and their associated levels of protection?

| | | | Response Percent | Response Total |
|----|---|--|---------------------|-------------------|
| 10 | 29/10/2018 15:15 PM ID: 98081958 | Please at hedgehogs and their best to schedule 4 | | |
| 11 | 30/10/2018 15:46 PM ID: 98190256 | The present law allows for a proportionate use of resources, it is wrong to suggest they same effort is expended upon shrews as grass snakes. We should also be mindful of the food chain and biodiversity requirements. | | |
| 12 | 31/10/2018 15:53 PM ID: 98293718 | I'm still learning, but I'm very keen. | | |
| 13 | 02/11/2018 13:57 PM ID: 98498035 | I agree that the protection of each species should vary according to the IUCN list. | | |
| 14 | 05/11/2018 12:03 PM ID: 98703407 | I agree in principle but am disappointed at the downgrading of protection status for some of the reptiles and amphibians | | |
| 15 | 06/11/2018 13:01 PM ID: 98811819 | Please see previous reasoning. Am concerned at the absence of tree species. Is an opportunity to use the authorised officer powers in relation to the behaviour of developers (builders and planners) being missed? | | |
| 16 | 15/11/2018 17:59 PM ID: 99697428 | We need to see improved protection and better law enforcement. There needs to be improved management, education, and enforcement by employing officers tasked to protect sensitive areas and species. The law means nothing unless it is implemented. | | |
| 17 | 25/11/2018 20:32 PM ID: 100509684 | As far as birds go, in regards to the 4 species which are not listed as protected (Crow, Magpie...) I would suggest that they should be protected. If they cause any trouble on crops or local songbirds (which has not been proven so far by a large body of research across many countries in Europe), the burden of proof should fall on the person applying to cull the birds, and only when proof of the damage is submitted (preferably by a professional consultant) then the claimant should be allowed to kill an agreed number of these birds. The death on any wild native animal should be justified on a body of evidence and good science. Otherwise people are killing (probably large numbers of) native birds without need to justify or provide proof that their damage or proof that the killing improves their crops or the wildlife community of their area. | | |
| 18 | 26/11/2018 15:30 PM ID: 100576986 | Rarer species should be afforded greater protection | | |
| 19 | 26/11/2018 15:33 PM ID: 100577833 | It is difficult to comment upon these proposed schedules as we were informed that these are not complete and are indicative of what may be included into each schedule. Responding to the concept of the varied levels, I agree that this is a step forward. Basing the species included into the various schedules upon quinquennial reviews is welcomed. It does however place an onus on the department to ensure that future updates are also based on monitoring and research (where required) of the various species to ensure that species inclusion on the various schedules is evidence based. Whereas I am aware that the Habitats Directive does not apply to Jersey, I note that there are various articles in the draft Wildlife (Jersey) Law that allude to it (by virtue of mirroring much of the draft Jersey Law from the draft UK law). I also understand that there is the desire to have this law compatible with EU law. I would therefore suggest that European Protect Species (EPS) be placed onto a separate schedule or part of schedule (so for example Sch. 4, Part 1 EPS species, Part 2 other species). | | |
| 20 | 26/11/2018 20:28 PM ID: 100602065 | Not clear on why the Magpie, Wood Pigeon or Carrion Crow are exempt from protection. I note Jersey will be guided by IUCN but were there be a local body of experts considering changes required. What will be the challenge process? | | |

5. The draft Wildlife (Jersey) Law introduces amendments that allow for varied levels of protection to be afforded to the wild animals, birds and plants listed within the law's schedules, in order to ensure that rarer species have greater protection than common species. These amendments also take into account the outcome of the First Quinquennial Review of the schedules to the existing law, which resulted in the removal of some species from the current schedules as well as the addition of others. Do you agree with the proposed Schedules of Protected Species and their associated levels of protection?




| | | | Response Percent | Response Total |
|----|---|---|---------------------|-------------------|
| 21 | 26/11/2018 22:15 PM ID: 100610800 | I believe all native species should be protected from being arbitrary killed. I am disappointed that people are allowed to persecute moles, rats, mice, and rabbits. I am disappointed that ragwort is not protected in wild situations. It is an important food source for native species of insect. | | |
| 22 | 27/11/2018 09:32 AM ID: 100629935 | As demonstrated by the Asian Hornet invasion, five years is too long and too rigid. Each schedule needs a review timetable based upon level of protection, ranging from annual to quinquennial. | | |
| 23 | 27/11/2018 10:21 AM ID: 100638243 | All species should be protected, regardless of species distribution, threat and rarity. | | |
| 24 | 27/11/2018 10:29 AM ID: 100638511 | As long as the schedules are ok and reviewed regularly | | |
| 25 | 27/11/2018 11:56 AM ID: 100644301 | a hierarchy of protection makes sense | | |
| 26 | 27/11/2018 13:44 PM ID: 100662780 | Although I worry about when sites have a significant population of animals that have a lower protection, such as slow-worms. If sites that have large breeding populations of such species are repeatedly developed without need for compensatory habitat, will this ultimately have a negative impact on these species. | | |
| 27 | 27/11/2018 14:15 PM ID: 100664734 | <p>The concept of amendments to schedules for varied levels of protection for wild animals and wild birds is positive but there are concerns with the wording and definitions which is open to loopholes and certain species left without protection from certain actions.</p> <p>For example, "Article 13 creates an offence of deliberately disturbing a protected wild animal or protected wild bird of a species listed in Schedule 6..." However, no herpetofauna are included within this Schedule. The definition of the level of protection for a Schedule 6 species is: "disturb" means do any act, or carry out any activity, which in fact does, or might reasonably be foreseen to –</p> <p>(a) impair the ability of the species in question –</p> <p>(i) to survive, to breed or reproduce, to rear or nurture offspring, or</p> <p>(ii) in the case of a hibernating or migratory species, to hibernate or migrate; or</p> <p>(b) affect significantly the local distribution or abundance of the species;</p> <p>This is rather concerning for herpetofauna species, especially for our native agile frog (<i>Rana dalmatina</i>), grass snake (<i>Natrix helvetica</i>) and toad aka Jersey Crapaud (<i>Bufo spinosus</i>). It could be interpreted that these species could be handled, moved about on site, or moved from a garden to a "site" on island. Ecologists/volunteers could also survey without a Licence.</p> <p>Although all herpetofauna are protected Schedule 1 species covered by Article 7; it is an offence deliberately to kill, injure or take a protected wild animal or bird", the use of the word "take" is quite weak. What is meant by this? This article does not mention no handling or moving of species and this causes concern. We would very much see a need to add a definition of the word "take". We understand that 5 out of 7 herpetofauna have their breeding and resting sites protected, but the species themselves are still not protected from general "disturbance".</p> | | |
| 28 | 27/11/2018 16:30 PM ID: 100680067 | It makes perfect sense for the example of a vole and a grass snake within a development context. The Schedule of protected wild birds that re-use their nest and Schedules of wild animals and wild birds whose breeding sites and resting places are protected are much welcomed with barn swallows and brent geese being good examples. | | |
| 29 | 27/11/2018 16:59 PM ID: 100688430 | I strongly agree with the concept of amendments to schedules for varied levels of protection for wild animals and wild birds is generally positive. However, there are concerns re. the wording and definitions which are left open to loopholes. Further, certain endangered species are left without protection from certain actions. | | |

5. The draft Wildlife (Jersey) Law introduces amendments that allow for varied levels of protection to be afforded to the wild animals, birds and plants listed within the law's schedules, in order to ensure that rarer species have greater protection than common species. These amendments also take into account the outcome of the First Quinquennial Review of the schedules to the existing law, which resulted in the removal of some species from the current schedules as well as the addition of others. Do you agree with the proposed Schedules of Protected Species and their associated levels of protection?

| | | | Response Percent | Response Total |
|----|---|---|---------------------|-------------------|
| | | <p>For example, "Article 13 creates an offence of deliberately disturbing a protected wild animal or protected wild bird of a species listed in Schedule 6..."</p> <p>However, no herpetofauna are included within Schedule 6, i.e. to protect them from "disturbance". "Disturb means do any act, or carry out any activity, which in fact does, or might reasonably be foreseen to –</p> <p>(a) impair the ability of the species in question –</p> <p>(i) to survive, to breed or reproduce, to rear or nurture offspring, or</p> <p>(ii) in the case of a hibernating or migratory species, to hibernate or migrate; or</p> <p>(b) affect significantly the local distribution or abundance of the species;</p> <p>This is deeply concerning for herpetofauna species. It could be interpreted that these species could be "disturbed", i.e. handled, moved about etc.</p> <p>In any case, "disturbance" in the broadest sense can be a very significant factor to their decline/extinction; just imagine displacement of an individual e.g. grass snake through any disturbance. Losing animals from the gene pool through disturbance-mediated displacement would have them drop out of the already very small breeding pool and can cause a very rapid decline of the species. It does not make sense not to protect herpetofauna species from "disturbance" when e.g. magpies and pheasants are.</p> <p>Therefore, I strongly advocate including all or most of Jersey's herpetofauna species into Schedule 6.</p> <p>Further, although all herpetofauna are protected Schedule 1 species covered by Article 7; "it is an offence deliberately to kill, injure or take a protected wild animal or bird", the use of the word "take" is very weak. What is meant by this? This article does not mention no handling or moving of species and this causes concern. I very much see a need to add a definition of the word "take".</p> | | |
| 30 | 27/11/2018 21:11 PM ID: 100707740 | <p>We question Schedule 1 under which the Green lizard and Slow worm are only afforded protection under Articles 7, 15 & 18</p> <p>We believe that the Slow Worm and Palmate Newt should be listed under Schedule 4</p> <p>All local herpetofauna should be protected under Schedule 6 - non are currently listed</p> | | |

6. Protection of dens, nests, breeding sites and resting sites

6. The draft Wildlife (Jersey) Law strengthens and clarifies the protection given to the dens and nests of protected species. The law also provides for the wider breeding sites and resting sites of certain species to be protected, to be listed on a new schedule. A further new schedule would provide year-round protection to the nests of certain wild birds. Do you support the proposed extended protection provisions?

| | | Response Percent | Response Total |
|-----------------|------------|--|----------------------|
| 1 | Yes |  | 83.33% 50 |
| 2 | No |  | 6.67% 4 |
| 3 | Don't know |  | 10.00% 6 |
| Analysis | Mean: | 1.27 | Std. Deviation: 0.63 |
| | Variance: | 0.4 | Std. Error: 0.08 |
| | | Satisfaction Rate: | 13.33 |
| | | | answered |
| | | | 60 |
| | | | skipped |
| | | | 1 |

Please give your reasoning for your response (28)

| | | |
|---|--|--|
| 1 | 17/10/2018 17:24 PM ID: 97010609 | The nests need protection year round. |
| 2 | 19/10/2018 06:50 AM ID: 97169086 | I support protection in principal but am concerned that it might create issues for land use having blanker protection. Better instead for protection to be issues on an ad Hoc basis such as when licences are given. |
| 3 | 21/10/2018 20:42 PM ID: 97342816 | Birds offer a level of bio security like any other animal. Like every other native animal including soil flora and fauna habitat should be protected, to give regeneration a chance. When protected we will give predator / prey diversity, bio security and ecosystem services a chance to improve. |
| 4 | 23/10/2018 13:41 PM ID: 97531188 | Habitats are a key aspect of protection |
| 5 | 26/10/2018 11:03 AM ID: 97839521 | These amendments should help to protect the breeding patterns of these animals and their species as a whole instead of just protecting individuals. |
| 6 | 26/10/2018 15:36 PM ID: 97886838 | My concern is that this revision may result in making it harder to manage and control nuisance species such as seagulls (being the obvious cause of concern). I would also like reassurance that the destruction of empty nests of species such as the barn swallow is a thing and not just speculation. I would question the need to change a law because something might happen when that same law might have negative consequences. I would need more information to convince me this change is necessary. |
| 7 | 26/10/2018 17:53 PM ID: 97910939 | Wildlife law consultation – hedgehogs Population https://www.britishhedgehogs.org.uk/pdf/sobh-2018.pdf -Degree of protection – the draft law follows current legislation in other European countries, giving the hedgehog basic protection against being killed, injured or captured intentionally. In 2007 hedgehogs were made a priority conservation species in Britain under the then UK Biodiversity Action Plan (BAP) – we have no specific data for Jersey, but their numbers are certainly not increasing, the best we can hope for is a static population in the Island. A recent report commissioned by the Peoples’ Trust for Endangered Species and the British Hedgehog Preservation Society concluded that, at a conservative estimate, 25% of the British hedgehog population had been lost in a decade and that rural populations have declined by at least a half and urban populations by up to a third since 2000. In view of their decline in the UK, could the hedgehog not be afforded the same protection as that granted to the red squirrel or toad in the Island and be included in Schedule 4 so that its nests and resting places were protected? This would support our efforts to reduce the number of hedgehogs being killed and injured by Branchage and cutting operations along field margins and on the inside of hedges and encourage people to look for hedgehogs before they start work. |
| 8 | 28/10/2018 11:09 AM ID: 98001298 | This is critical for the survival of a wide range of species. Also the protection of food sources right from invertebrates up to top predators. The is no point having a nest site for owls but no food because the food chain has been destroyed by over zealous land 'management' |

6. The draft Wildlife (Jersey) Law strengthens and clarifies the protection given to the dens and nests of protected species. The law also provides for the wider breeding sites and resting sites of certain species to be protected, to be listed on a new schedule. A further new schedule would provide year-round protection to the nests of certain wild birds. Do you support the proposed extended protection provisions?

| | | | Response Percent | Response Total |
|----|---|--|---------------------|-------------------|
| 9 | 29/10/2018 15:15 PM ID: 98081958 | Add hedgehogs and their nests to sch 4 | | |
| 10 | 30/10/2018 15:46 PM ID: 98190256 | Protection should be to 'all breeding sites' whether terrestrial, arboreal or aquatic with either seasonal or year round protection being specified in each case/species. | | |
| 11 | 02/11/2018 13:57 PM ID: 98498035 | Too many people in jersey interfere with nests and dens | | |
| 12 | 05/11/2018 12:03 PM ID: 98703407 | In general I support any increased protection of our native flora and fauna and this naturally includes their breeding and resting sites | | |
| 13 | 06/11/2018 13:01 PM ID: 98811819 | Excellent addition to the law but needs to be accompanied with a public education campaign. Most people that I presented to were unaware of the provisions of the previous law. | | |
| 14 | 06/11/2018 15:14 PM ID: 98829250 | So long as this doesn't extend to herring gulls returning to nesting grounds on buildings | | |
| 15 | 15/11/2018 17:59 PM ID: 99697428 | Again we need to see better enforcement and management of sensitive/important areas. For example the Common tern nesting sites and grey seal haul out sites see regular disturbance by hut owners, visitors on the numerous commercial ribs, and the general public. I would have liked to have seen specific mention of drones which cause considerable disturbance to wildlife most notably birds, the drone operators appear to think the wildlife law does not concern them. Better education, enforcement and management is needed for this. | | |
| 16 | 20/11/2018 20:55 PM ID: 100148302 | Nests of Swallow, House Martin will be protected even during the non-breeding season | | |
| 17 | 26/11/2018 15:30 PM ID: 100576986 | Support greater protection of protected species' dens/nests and wider breeding sites which presumably would also be protected, or afforded more protection. | | |
| 18 | 26/11/2018 15:33 PM ID: 100577833 | <p>I am answering this question in a slightly different way to which it is asked in order to fully address the contents of articles 8 – 13. Article 7 is not covered under any of the questions of this consultation and so I will comment on that in the general comments section.</p> <p>The proposed extension to the protection provisions are most welcome and certainly serve to improve upon the current provisions of the Conservation of Wildlife (Jersey) Law 2000. However, I feel that these article are somewhat confusing, open to some misinterpretation and that some of the specific wording is contrary to EU law.</p> <p>These articles are broadly similar in intent to s.8 – s.11 (Birds) and s.48 – s.49 (Wild animals) of the draft UK Wildlife Law. The draft Wildlife (Jersey) Law has tried to combine some of these sections into combined articles for birds and animals; I would separate these.</p> <p>Article 8. This article, by virtue of the word 'den' also applies to roosts.</p> <p>The draft UK Wildlife Law repealed both the wording of s.10(2) and s.10(5) of the WCA 1981 as these (with respect to bats) were found to constitute an offence under reg. 41 of the Habitat Regulations 2010. If Jersey wanted to be compliant with EU law then Article 8(2) should not apply to bats.</p> <p>The defence currently included in the draft Wildlife (Jersey) Law under Article 8(4) is again excluded from the draft UK Wildlife law with respect to bats. This is following Commission v United Kingdom where the Court of Justice held that the incidental results defence infringed the Habitats Directive by going beyond the grounds of derogation permitted by article 16 (Case C-6/04 Commission v United Kingdom [2005] ECR 09017 at [106] to [107]).</p> <p>EPS are covered under s.48 of the draft UK Wildlife Law (species in Sch. 12), there is no defence under s.51 for 'incidental result of a lawful operation'. Other animals covered under 'domestic law' are covered by s.49 with the defence for 'incidental result' found in s.50(1) for these species.</p> | | |

6. The draft Wildlife (Jersey) Law strengthens and clarifies the protection given to the dens and nests of protected species. The law also provides for the wider breeding sites and resting sites of certain species to be protected, to be listed on a new schedule. A further new schedule would provide year-round protection to the nests of certain wild birds. Do you support the proposed extended protection provisions?




| | | | Response Percent | Response Total |
|----|---|--|---------------------|-------------------|
| | | <p>Article 9. Article 9(4) is an area of general concern.</p> <p>Article 11. This is a welcomed step (protection of Sch. 3 species at all times, not just whilst in use). It may be worthwhile adding more species to this list prior to finalising it.</p> <p>Article 12. For comments on Article 12(4)(b) and Article 12(8) please read comments under Article 8 with respect to bats and 'dwelling house' and 'lawful operations' defences.</p> <p>Article 13. Reading this article in conjunction with the preceding ones is a little confusing. Taken in the context of bats and reading this along with Article 8 and Article 12 with respect to 'disturb' and bats, then Article 13 does not have 'dwelling house' or 'lawful operation' defences, it is offence to disturb them.</p> | | |
| 19 | 26/11/2018 20:28 PM ID: 100602065 | Breeding resting sites need the same protection | | |
| 20 | 26/11/2018 22:15 PM ID: 100610800 | Too many people disturb animals for no reason other than their amusement, or because their presence interferes with frivolous projects. It is a matter of survival for the animal - it never is for the human. | | |
| 21 | 27/11/2018 09:32 AM ID: 100629935 | Needs greater powers of enforcement on landowners/tenants. | | |
| 22 | 27/11/2018 11:56 AM ID: 100644301 | While we agree in principal to the amendments we would like to see more specific provision made for marine species such as sharks and rays which may prove more challenging to protect. For example identification and protection of nursery grounds or egg laying grounds would equate to the protection afforded to the nesting sites of birds and the dens of other terrestrial animals. | | |
| 23 | 27/11/2018 13:01 PM ID: 100657223 | More needs to be done to protect Barn Swallows from Developers. | | |
| 24 | 27/11/2018 13:44 PM ID: 100662780 | I think advisory notes are required here, especially in relation to ponds and bat roosts, when in use and otherwise. | | |
| 25 | 27/11/2018 14:15 PM ID: 100664734 | <p>We support this schedule, but note that the palmate newt and slow worm are not included within this. Sightings for these two species have been in decline, especially the palmate newt. We understand that these two species are data deficient with regard to no studies being carried out. From the presentation held on 20th November, it is understood that wild animals/birds can be added or removed from said schedule; We would hope to see these added to the schedule as numbers decline and will decline further as can be seen throughout their distribution range.</p> <p>Further, it says in part 2, 13: "4) The Minister may from time to time issue guidance as to the application of a definition in this Article, whether generally or in relation to particular wild animals or wild birds or species of wild animals or wild birds, and – (a) where it appears to the court, when conducting any civil or criminal proceedings, that such guidance is relevant to a question arising in those proceedings, the guidance must be taken into account in determining the question; but (b) a failure to comply with such guidance does not of itself make a person liable to any civil or criminal proceedings.</p> <p>Playing the Devil's Advocate, this sounds to us that a) the Minister can, e.g. for the purpose of development, change a definition at any time to e.g. make it legal to disturb (in any sense) protected species. It is also interpreted that even if the definition (or "guidance") protects a species, anyone not complying with it is not per se liable to criminal proceedings.</p> | | |
| 26 | 27/11/2018 16:30 PM ID: 100680067 | Please see previous comment. | | |

6. The draft Wildlife (Jersey) Law strengthens and clarifies the protection given to the dens and nests of protected species. The law also provides for the wider breeding sites and resting sites of certain species to be protected, to be listed on a new schedule. A further new schedule would provide year-round protection to the nests of certain wild birds. Do you support the proposed extended protection provisions?

| | | | Response Percent | Response Total |
|----|---|---|------------------|----------------|
| 27 | 27/11/2018 16:59 PM ID: 100688430 | <p>I support this schedule, but note that the palmate newt and slow worm are not included within this. Sightings for these two species have been in decline, especially palmate newt. I understand that these two species are data deficient with regard to no studies being carried out. I very much hope to see these added to the schedule as numbers decline and will decline further as can be seen throughout their distribution range.</p> <p>Further, it says in part 2, 13: "4) The Minister may from time to time issue guidance as to the application of a definition in this Article, whether generally or in relation to particular wild animals or wild birds or species of wild animals or wild birds, and – (a) where it appears to the court, when conducting any civil or criminal proceedings, that such guidance is relevant to a question arising in those proceedings, the guidance must be taken into account in determining the question; but (b) a failure to comply with such guidance does not of itself make a person liable to any civil or criminal proceedings.</p> <p>Imagining what "Ministerial guidance" can mean, this could be seen as 4(a) the Minister can, e.g. for the purpose of development, change a definition at any time to e.g. make it legal to "disturb" protected species. It can also be read that 4(b) even if the definition or "guidance" protects a species, no one not complying with it is necessarily liable to criminal proceedings. It should be clarified what "of itself" really means unless this is a legal term the public won't need to know about until it is too late.</p> | | |
| 28 | 27/11/2018 21:11 PM ID: 100707740 | However, the breeding and resting sites of the Slow worm and Palmate newt should be protected under Schedule 4 | | |

7. Areas of Special Protection

7. The draft Wildlife (Jersey) Law introduces new provisions for an Area of Special Protection (ASP) to be declared by Ministerial Order, placing restrictions on access to (or activities within) a physically or temporarily defined area, within which protected species may be breeding or growing. An ASP will only be declared with the support of the owner(s) of the land affected and may be declared to apply temporarily, such as during the breeding season, or all year round. Do you support the provisions for Areas of Special Protection?

| | | | | | | | Response Percent | Response Total |
|-----------------|------------|--|-----------------|------|--------------------|------|------------------|----------------|
| 1 | Yes |  | | | | | 90.16% | 55 |
| 2 | No |  | | | | | 4.92% | 3 |
| 3 | Don't know |  | | | | | 4.92% | 3 |
| Analysis | Mean: | 1.15 | Std. Deviation: | 0.47 | Satisfaction Rate: | 7.38 | answered | 61 |
| | Variance: | 0.22 | Std. Error: | 0.06 | | | skipped | 0 |

Please give your reasoning for your response (27)

| | | |
|---|--|---|
| 1 | 17/10/2018 17:24 PM ID: 97010609 | If an area needs to have special protection as suggested then the land owner should have to allow it to be protected. To allow the owner to decline in protecting special areas makes the idea frustrating. |
| 2 | 18/10/2018 13:02 PM ID: 97093246 | Les Landes is used by model aircraft during nesting season, should not be allowed. |

7. The draft Wildlife (Jersey) Law introduces new provisions for an Area of Special Protection (ASP) to be declared by Ministerial Order, placing restrictions on access to (or activities within) a physically or temporarily defined area, within which protected species may be breeding or growing. An ASP will only be declared with the support of the owner(s) of the land affected and may be declared to apply temporarily, such as during the breeding season, or all year round. Do you support the provisions for Areas of Special Protection?




| | | | Response Percent | Response Total |
|----|--|--|---------------------|-------------------|
| 3 | 18/10/2018 19:53 PM ID: 97140508 | I support this but query why the landowner's consent is needed. Surely if a species needs protecting, that should not be prevented if the landowner disagrees? That said, if an ASP was imposed without the landowner's consent there should be an independent, cheap and easy appeal process that the landowner could follow. | | |
| 4 | 20/10/2018 16:57 PM ID: 97302646 | I support the provision of ASPs, however I have concerns that if ASPs require the agreement of the landowner, it may be hard to implement them as not all landowners may be willing. | | |
| 5 | 21/10/2018 20:42 PM ID: 97342816 | It is known that biocides or physical practices are increasingly ineffective in dealing with pests. If an area is infested with pests (above or below soil), I think it is important ASP's give room for biological treatments to be deployed under the law, so the problem does not get out of hand and impact others. | | |
| 6 | 23/10/2018 09:56 AM ID: 97497799 | Giving the example of the Manx sheep at Sorel, despite there being signs about keeping dogs on leads, especially during the lamb season, people ignore the signs and are often verbally aggressive when this is politely pointed out to them. I have seen dogs chasing sheep and lambs and the owners not doing a thing about it. | | |
| 7 | 23/10/2018 13:41 PM ID: 97531188 | Absolutely we need to safeguard areas used for breeding. | | |
| 8 | 26/10/2018 09:48 AM ID: 97835067 | Too much power being given to landowners | | |
| 9 | 26/10/2018 11:03 AM ID: 97839521 | This is a great idea if there is sufficient man power to ensure the restrictions are followed and for surveillance to ensure breeding areas are found early, and consent obtained as soon as possible to enact the restrictions. | | |
| 10 | 26/10/2018 17:53 PM ID: 97910939 | The fact that these areas are only to be declared with the landowner's consent reduces the effectiveness of the provision, if species need protecting, the Minister should have the power to declare an area an ASP with or without the landowner's permission. | | |
| 11 | 28/10/2018 11:09 AM ID: 98001298 | BUT it will lack teeth of the landowner has the power of veto. Better to offer compensation for any loss of income from the ASP designated land | | |
| 12 | 05/11/2018 12:03 PM ID: 98703407 | I support any measures which will help our native flora and fauna and our long suffering migrants. Can we try to do something about controlling dogs that chase migrants on the beaches? | | |
| 13 | 05/11/2018 16:41 PM ID: 98700593 | I don't think that you should have to have the support of the land owner for the ASP to be declared. | | |
| 14 | 06/11/2018 13:01 PM ID: 98811819 | Essential for the ecréhous and cliffs West of Grève de Lecq for example but again depends on public education. The provisions may become a double edged sword with the existence of populations of rare species being covered up/eradicated before officers are aware of them. When a habitat might suggest that a species may be presence there needs to be a pre-emptive response, sampling and monitoring as in citizen science and harnessing the NIMBY in us all. | | |
| 15 | 10/11/2018 08:12 AM ID: 99223539 | To protect not just the species but the area it is using is of benefit to both the species and the land owners, species wise they are still able to use the land i.e. to breed, and the land owners are able to engage in the protection of said species and are still able to go about business as usual after a period of time | | |
| 16 | 15/11/2018 17:59 PM ID: 99697428 | Very pleased to see this bit of legislation, and I would suggest the Common tern breeding area be fenced off from the end of April to the end of August. I would suggest some gates be installed on Marmotier to stop visitors entering breeding sites as signs and tape are regularly ignored, as photographer Sue Daly once said the birds must be breeding as I have never got that close before. | | |

7. The draft Wildlife (Jersey) Law introduces new provisions for an Area of Special Protection (ASP) to be declared by Ministerial Order, placing restrictions on access to (or activities within) a physically or temporarily defined area, within which protected species may be breeding or growing. An ASP will only be declared with the support of the owner(s) of the land affected and may be declared to apply temporarily, such as during the breeding season, or all year round. Do you support the provisions for Areas of Special Protection?

| | | | Response Percent | Response Total |
|----|---|--|---------------------|-------------------|
| | | <p>Commercial rib operators should escort their clients on landing on offshore islands and be responsible for the actions of their clients who regularly cross signage, roped off areas, and fly drones even when requested not to.</p> <p>I would suggest Commercial ribs be excluded from grey seal haul out sites and known resting areas (in the sea)</p> <p>Commercial ribs should not seek out Bottlenose dolphins on a regular basis as they currently do, some rigid code of conduct should be implemented to protect marine wildlife.</p> <p>Windsurfers and kitesurfers, dog walkers regularly disturb over wintering species. This leisure activities should be licenced and given designated areas which avoid the more sensitive areas. Previously kite surfers did set up such areas in Grouville Bay but they no longer adhere to this.</p> <p>Some hut owners at the Ecréhous actively discourage, disturb and kill nesting bests and birds near to fledging, these same people also think that their rights to access the flagpole at Marmotier are being hampered by nesting birds and those trying to protect the site. Better management and enforcement is needed in this area. Perhaps the creation of artificial nesting sites such as pontoons, and nests be protection improved. Appears odd we spend a considerable amount of money on a non-native bird such as the Chuff yet ignore species that are struggling.</p> | | |
| 17 | 20/11/2018 20:55 PM ID: 100148302 | Would this area of the law stop the use of drones in areas where seabirds like Oystercatchers are on eggs or have small young? | | |
| 18 | 26/11/2018 15:30 PM ID: 100576986 | Should be greater restrictions placed on access to areas where there are protected species. Will there be remedies for those who contravene the restrictions? | | |
| 19 | 26/11/2018 15:33 PM ID: 100577833 | I tentatively support this provision but worry about both the practicality of and enforcement for such a provision. | | |
| 20 | 26/11/2018 20:28 PM ID: 100602065 | Sim8lar response to previous question wider habitation protection may be required to protect a species. | | |
| 21 | 26/11/2018 22:15 PM ID: 100610800 | I don't think the permission of the landowner should be necessary. And if it is given, any future landowner should be bound by the consent given previously. | | |
| 22 | 27/11/2018 09:32 AM ID: 100629935 | This is very weak, the Minister needs to have far greater powers of enforcement, a 'duty' or social obligation needs to be imposed upon landowners, the concept that they are merely trustees should be explicit. | | |
| 23 | 27/11/2018 11:56 AM ID: 100644301 | Yes but... the focus of this introduction is terrestrial - there is a requirement for a similar/the same provision to be made for areas of the marine environment for example egg laying grounds. | | |
| 24 | 27/11/2018 13:44 PM ID: 100662780 | This is great, provided landowners sign up to ASPs | | |
| 25 | 27/11/2018 14:15 PM ID: 100664734 | Yes we support the provisions for ASPs, it would mean that areas known for breeding could be fenced off and herpetofauna given some respite from the public. It would also enable land management work to be carried out within a fenced area without the worry of the public and their dogs entering a newly opened up area, for example willow coppicing around Ouaisne slacks. | | |
| 26 | 27/11/2018 16:30 PM ID: 100680067 | The examples of Brent geese overwintering and skylark protection areas demonstrate why these are a much needed response to an increasing problem. With dramatic declines across so many species, ASP's are much needed and very welcome by the Trust. | | |
| 27 | 27/11/2018 21:11 PM ID: 100707740 | Support the idea in principle, however we fear that the requirement to obtain the support of the owners of the land could mean that ASPs may seldom be used. This could be a concern for particularly vulnerable sites. | | |

8. Methods of killing or taking all wild birds and wild animals

8. The draft Wildlife (Jersey) Law seeks to improve on the existing law by establishing a clear and flexible framework for regulating the means of taking all wild animals and birds without causing harm. This is achieved by creating a new schedule of regulated devices, substances and activities, which may be updated and amended to take account of developments in techniques and devices available. Provision is also allowed within the schedule itself for certain prohibited devices to be used under certain circumstances (such as educational pond dipping) and this will be supported by published guidance. Do you support the proposed framework?

| | | Response Percent | Response Total |
|-----------------|------------|--|----------------------|
| 1 | Yes |  | 83.33% 50 |
| 2 | No |  | 1.67% 1 |
| 3 | Don't know |  | 15.00% 9 |
| Analysis | Mean: | 1.32 | Std. Deviation: 0.72 |
| | Variance: | 0.52 | Std. Error: 0.09 |
| | | Satisfaction Rate: | 15.83 |
| | | answered | 60 |
| | | skipped | 1 |

Please give your reasoning for your response (18)




| | | |
|----|---|---|
| 1 | 17/10/2018 17:24 PM ID: 97010609 | The talk about different uses for nets is good however what about the other methods? People still go out with wire to catch rabbits and other animals get caught and suffer in these traps yet the law does nothing about it. What about poisons? To be quite honest, what is the point in a law if it is not enforced? |
| 2 | 21/10/2018 20:42 PM ID: 97342816 | Yes as long as it is inclusive to ALL animals and fauna, (above and below ground). It will not be right to ignore soil dwelling animals and fungi, which are essential to human existence. |
| 3 | 23/10/2018 13:41 PM ID: 97531188 | No need to comment I don't think |
| 4 | 26/10/2018 15:36 PM ID: 97886838 | This seems like a practical measure that allows differentiation form harmless activities to malicious harm of endangered species. |
| 5 | 28/10/2018 11:09 AM ID: 98001298 | It looks sensible as long as there is a clear and timely way of gaining permission for justifiably allowed activities e.g to do necessary bat surveys; and conversely to ban damaging activists that come to light |
| 6 | 05/11/2018 12:03 PM ID: 98703407 | Animal welfare should always be taken into consideration |
| 7 | 06/11/2018 13:01 PM ID: 98811819 | Please can the law be supported by investment in technologies that allow non-intrusive sampling and an approach of requiring greater tolerance from a rapidly increasing human population. With devastating declines in biodiversity we need to become better neighbours urgently. |
| 8 | 10/11/2018 08:12 AM ID: 99223539 | A clear framework that is flexible in nature is preferred to the current unclear provisions. With regards to educational and expertise activities, anything that could raise the general awareness of the public should be given the extra flexibility so long as guidance is provided |
| 9 | 21/11/2018 12:04 PM ID: 100189367 | will this law also include criteria for the culling of wild animals |
| 10 | 26/11/2018 15:30 PM ID: 100576986 | As long as it keeps pace with modern techniques and devices |
| 11 | 26/11/2018 15:33 PM ID: 100577833 | Placing the devices, substances and activities into the schedules (to allow for timely updating) is a positive step forward. Practical application of the regulation by excluding small scale use of certain activities (pond dipping for educational reasons) is welcome. For the articles relating to the schedules: Article 16(5): for completion, I would add 'issued in accordance with Article 39 and Article 40' Article 17(1): it is not possible to state that it is an 'offence to sell, or to expose or offer for sale' |

8. The draft Wildlife (Jersey) Law seeks to improve on the existing law by establishing a clear and flexible framework for regulating the means of taking all wild animals and birds without causing harm. This is achieved by creating a new schedule of regulated devices, substances and activities, which may be updated and amended to take account of developments in techniques and devices available. Provision is also allowed within the schedule itself for certain prohibited devices to be used under certain circumstances (such as educational pond dipping) and this will be supported by published guidance. Do you support the proposed framework?

| | | | Response Percent | Response Total |
|----|---|--|---------------------|-------------------|
| | | some of the devices or substances outlined in Sch. 8 or Sch. 9 as some of these devices are not illegal to sell and nor to the require a licence (Art. 17(2)) to buy. This entire article will require re-writing or deleting Sch. 8 & Sch. 9: add 'unless permitted under licence issued under Art. 39 or Art. 40' Sch. 8 & Sch 9: Some questionable language with respect to firearms (Art 8: a five shot air rifle or .22 rifle with a magazine could be considered a semi-automatic and, Art 9: shot guns with a muzzle of more than 4.45 centimetres is an odd calibre to use). | | |
| 12 | 26/11/2018 20:28 PM ID: 100602065 | I understand setting out a clearer framework but feel some options need review. For example use of spring traps and only requiring checking every 24 hours is too long a time for some small mammals especially if insect rather than seed feeders. Similar concern with snares checks should be more frequent. | | |
| 13 | 26/11/2018 22:15 PM ID: 100610800 | I am pleased that certain methods would become illegal, but I don't think this goes far enough. I would outlaw all snares. I would outlaw spring traps - these can catch animals other than the target species. I would outlaw glue traps, which are very cruel. I would outlaw poisons - these can also affect animals other than the target species. I would outlaw any killing of animals for frivolous reasons, eg. they make a mess. | | |
| 14 | 27/11/2018 09:32 AM ID: 100629935 | In agreement. | | |
| 15 | 27/11/2018 11:56 AM ID: 100644301 | Again this is a very terrestrially based addition to the law. We would suggest provision is made to prevent targeting of scheduled species by rod and line (recreational sea angling) or by recreational netting. For example Porbeagle is protected under the CFP, but in many national waters it remains a legitimate recreational target species - leaving commercial recreational charter vessels able to profit from activities which are highly likely to increase the mortality of a Critically Endangered species. | | |
| 16 | 27/11/2018 13:01 PM ID: 100657223 | Support but not sure how you are going to police this? | | |
| 17 | 27/11/2018 13:44 PM ID: 100662780 | | | |
| 18 | 27/11/2018 21:11 PM ID: 100707740 | However, we suggest that to avoid ambiguity, the word "take" is defined in Part 1 | | |

9. Release of animals, birds and plants into the wild

9. The draft Wildlife (Jersey) Law introduces a range of provisions to prevent and control the release of animals, birds and plants into the wild to ensure that there are no adverse impacts on the environment. Only those animals, birds or plants that are listed in a new schedule may be released into the wild, others may be released only in accordance with a licence granted to do so. Additional provisions enabling action to be taken to control or eradicate invasive non-native species (INNS) are also included, in association with a new Schedule of INNS to be added. Do you support the proposed provisions to prevent and control the release of animals, birds and plants into the wild?

| | | Response Percent | Response Total |
|-----------------|------------|--|----------------------|
| 1 | Yes |  | 88.33% 53 |
| 2 | No |  | 1.67% 1 |
| 3 | Don't know |  | 10.00% 6 |
| Analysis | Mean: | 1.22 | Std. Deviation: 0.61 |
| | Variance: | 0.37 | Std. Error: 0.08 |
| | | Satisfaction Rate: | 10.83 |
| | | answered | 60 |
| | | skipped | 1 |




Please give your reasoning for your response (21)

| | | |
|----|--|--|
| 1 | 16/10/2018 16:19 PM ID: 96912444 | As previous comments ,the process of Restoration Aquaculture of Native Oysters is probably unique and could fall foul of interpretations here relating to effect on the environment bearing in mind the time between them being hyperabundant and current state of effective extirpation. Namely, 'we want to maintain how it is currently, not how it was in the biologically recent past', could be applied as 'the new norm' and would need to be discussed and balanced and perhaps listed. This is probably outside the perceived Draft ToR. but could apply to other species in the future , an example could be a Bass farm holding sexually mature spawners. The converse is to ensure that farms continue producing the Pacific Oyster M.gigas, only as sterile triploids to prevent invasive settlement. |
| 2 | 17/10/2018 17:24 PM ID: 97010609 | As long as the feral cat populations are not under threat, then yes for certain animals like the asian hornet. |
| 3 | 18/10/2018 13:02 PM ID: 97093246 | Idiots releasing unwanted pets should be dealt with |
| 4 | 21/10/2018 20:42 PM ID: 97342816 | Yes and any new law should include ALL animals and fauna, above and below soil. |
| 5 | 23/10/2018 09:56 AM ID: 97497799 | Wildlife rehabilitation is to release the animal or bird back to the area/site where it was initially found. |
| 6 | 23/10/2018 13:41 PM ID: 97531188 | Release of species in the past has led to a number of serious problems |
| 7 | 28/10/2018 11:09 AM ID: 98001298 | Looks eminently sensible |
| 8 | 30/10/2018 15:46 PM ID: 98190256 | The importation of all non-native species should be restricted by permit and transfer/sale will require a permit. No releases to the wild without full EIS. The disposal or death must be confirmed by a vet/horticulturalist. All potentially invasive species to be banned and notifiable. |
| 9 | 02/11/2018 13:57 PM ID: 98498035 | To prevent any upset in the ecosystem |
| 10 | 05/11/2018 12:03 PM ID: 98703407 | After the disastrous release of Pheasants in Jersey 20 years ago by a local shooter I am amazed that this rule has taken so long to come into being. I however am strongly against permitting shooting of any birds/animals in Jersey. I would like to see much stronger penalties for anyone caught introducing a non-native species to Jersey |

9. The draft Wildlife (Jersey) Law introduces a range of provisions to prevent and control the release of animals, birds and plants into the wild to ensure that there are no adverse impacts on the environment. Only those animals, birds or plants that are listed in a new schedule may be released into the wild, others may be released only in accordance with a licence granted to do so. Additional provisions enabling action to be taken to control or eradicate invasive non-native species (INNS) are also included, in association with a new Schedule of INNS to be added. Do you support the proposed provisions to prevent and control the release of animals, birds and plants into the wild?

| | | | Response Percent | Response Total |
|----|---|--|---------------------|-------------------|
| 11 | 05/11/2018 16:41 PM ID: 98700593 | I think that feral cats should still be released. If an animal or bird does not cause adverse effects to the environment, such as pheasants, I think they should be allowed to be released. I do not support introduction of new species. | | |
| 12 | 06/11/2018 13:01 PM ID: 98811819 | However please can I suggest that a purist approach to conservation is not always helpful. If it weren't for the explosion in the pheasant population I do wonder whether we would have such a strong marsh harrier population...a new species. Human intervention can have unforeseen consequences. Please see Fred Pearce's 'The new wild' | | |
| 13 | 07/11/2018 12:10 PM ID: 98906835 | The JSPCA release animals all the time including rehabilitated local squirrels, requiring a licence to release every squirrel, woodpecker or woodcock would cost too much and be time consuming. Unless the Licence was to cover an organisation for all animals they release. | | |
| 14 | 20/11/2018 20:55 PM ID: 100148302 | Under the new law will a license to shoot Pheasants still be required? Pheasants are non-native bird and historically illegally introduced. | | |
| 15 | 26/11/2018 15:30 PM ID: 100576986 | More control needed | | |
| 16 | 26/11/2018 15:33 PM ID: 100577833 | Whereas I agree with the INNS provision under Article 26 and enforcing provisions I do not agree with Article 21(2) and (4) nor schedule 10. I understand where these potential offences stem from (as it was explained to another party at one of the consultations) but I don't think this is the way or place to try to stop the release into the wild of a species which is not an INNS species whether that species is 'naturally occurring' in Jersey or not. The wording of these provisions is also a little vague (use of 'animal' or 'bird' means you'd have to list all Jersey based species that are not subject to a licence). Imports of animals and species into Jersey are covered by other laws, relations and guidance. It is in these laws that it should be an offence to release these animals into the wild. If a provision was to be placed into this law then it would need to be exclusionary or reverse listing such as: 'It is not an offence to re-release individual of a species that has been purposely or incidentally caught in into the wild subject to that species not being included in Schedule 11' Schedule 11: requires completion before being able to fully comment on it | | |
| 17 | 26/11/2018 20:28 PM ID: 100602065 | As noted species have been released which are non-native to the island and this can have a negative impact on existing species. | | |
| 18 | 27/11/2018 09:32 AM ID: 100629935 | Non-native imports, exotic pets for example should be required to have whole of life documentation to include sale, export or death as final entry, option for brutal penalty say £5,000 fine for failure. Make owners aware that it is a privilege to keep a former wild animal, fish, invertebrate. Work towards an eventual import ban of exotics and/or major reduction in all imports. | | |
| 19 | 27/11/2018 13:44 PM ID: 100662780 | How would this relate to keeping injured bats and releasing them back into the wild? Would this require the bat carer to hold a licence or would each bat be case specific? | | |
| 20 | 27/11/2018 14:15 PM ID: 100664734 | Please see general comments with regard to two flora species that should be added to the Schedule of INNS | | |
| 21 | 27/11/2018 16:30 PM ID: 100680067 | Release of INN species into the wild is certainly having an effect on wild species and habitats across the island, but the overall impact is unknown and difficult to quantify. This seems like a first step in making people who release INNS into the countryside responsible and accountable, which is absolutely essential and something the Trust very much supports. | | |

10. Licences

| 10. The licensing framework within the draft Wildlife (Jersey) Law has been improved, updated and extended to enable present-day activities affecting wildlife to be regulated and enforced appropriately. Do you support the proposed licensing framework? | | | | | | Response Percent | Response Total | |
|---|---|--|-----------------|------|--------------------|------------------|----------------|----|
| 1 | Yes |  | | | | 88.33% | 53 | |
| 2 | No |  | | | | 3.33% | 2 | |
| 3 | Don't know |  | | | | 8.33% | 5 | |
| Analysis | Mean: | 1.2 | Std. Deviation: | 0.57 | Satisfaction Rate: | 10 | answered | 60 |
| | Variance: | 0.33 | Std. Error: | 0.07 | | | skipped | 1 |
| Please give your reasoning for your response (13) | | | | | | | | |
| 1 | 17/10/2018 17:24 PM ID: 97010609 | Falconry should not be using wild birds. If it is necessary, and I highly doubt it is, then they should be using captive bred birds. Licensing people to "use" wild animals for entertainment, including hunting, should not be flexible. On the other hand surveys of populations etc could be important. | | | | | | |
| 2 | 18/10/2018 13:02 PM ID: 97093246 | about time | | | | | | |
| 3 | 21/10/2018 20:42 PM ID: 97342816 | As long as the new Law protects ALL animals, above and below soil and licenses to deploy anything that is going to harm all and sundry are tightened up through tighter compliance. | | | | | | |
| 4 | 23/10/2018 13:41 PM ID: 97531188 | Although no expertise here | | | | | | |
| 5 | 28/10/2018 11:09 AM ID: 98001298 | The devil will be in the detail here | | | | | | |
| 6 | 05/11/2018 12:03 PM ID: 98703407 | I thought this law was already in place | | | | | | |
| 7 | 06/11/2018 13:01 PM ID: 98811819 | But it should also include a permit system to limit and control those who exploit the coast and put pressure on those systems...shell fish farmers, coasteers and coastal kayaking companies. There are few areas now free from human disturbance. Please can consideration be given to introduction of permits for people who fish both commercially and with line and spear. These can be tied to education, listening to the voice of these people and ensuring environmentally sensitive practice for example around plastic waste and restrictions on take. The relationship must be proactive and culturally nuanced/second language provision if necessary. Bass fishing restrictions were obviously flouted. | | | | | | |
| 8 | 06/11/2018 15:14 PM ID: 98829250 | Unsure about the welfare implications of allowing wild birds to be kept for falconry displays | | | | | | |
| 9 | 26/11/2018 15:30 PM ID: 100576986 | We should have more data and controls on licensing | | | | | | |
| 10 | 26/11/2018 15:33 PM ID: 100577833 | The licencing framework did require updating and I am broadly in support Part 5 of the draft Wildlife (Jersey Law). However, the derogation in article 39(2)(b) must only be used where there is scientific evidence that the outcome is that as detailed in article 39(2)(b)(ii). With bats: we are not in a position to conclude that the loss of roosts of any species bats in Jersey would not be detrimental to that species within the local population. | | | | | | |
| 11 | 26/11/2018 20:28 PM ID: 100602065 | Legislation needs to be aligned with current day activities | | | | | | |

| 10. The licensing framework within the draft Wildlife (Jersey) Law has been improved, updated and extended to enable present-day activities affecting wildlife to be regulated and enforced appropriately. Do you support the proposed licensing framework? | | | Response Percent | Response Total |
|---|---|---|------------------|----------------|
| 12 | 26/11/2018 22:15 PM ID: 100610800 | I would not grant licences for falconry. I do not believe falconry benefits the birds involved, in any way, and I believe their welfare is often compromised. | | |
| 13 | 27/11/2018 11:56 AM ID: 100644301 | Common sense approach to ensure continued data collection and scientific sampling is essential - a regulation which inhibits the ability to extend knowledge and potentially improve species management is not [entirely] constructive. | | |

11. General comments

| 11. Please comment below if you have any other comments regarding the draft legislation. | | | Response Percent | Response Total |
|--|--|---|------------------|----------------|
| 1 | Open-Ended Question | | 100.00% | 30 |
| 1 | 16/10/2018 17:33 PM ID: 96924447 | Having witnessed the removal of a neighbours roof of its pantiles and a new one installed, with a note in planning advising of the presence of bats, it would seem to me that a survey undertaken before permission is granted is the suitable way to proceed. Builders have no reason to take care if it means delays and cost, and neither do owners. Since the removal of the neighbours roof, we have not seen any bats at all. The ground works using large diggers etc also for this large rebuild in the most protected zones at a time when toads were also on the move showed very clearly to me that our wildlife needs as much protection as possible as it would appear that greed and profit comes further up peoples priorities. By ensuring surveys are done before planning is agreed to my mind is the best option if we are to protect what species we have left. | | |
| 2 | 17/10/2018 17:24 PM ID: 97010609 | Hedgehogs and "seagulls" need more protection. Also, It would be a good thing if some of our protection laws were actually enforced. Why are dog owners not prosecuted for allowing their dogs to chase and attack wild (and domestic) animals. | | |
| 3 | 18/10/2018 13:02 PM ID: 97093246 | Ban those dreadful hedge cutters, they rip our hedges to pieces and kill everything in their way... | | |
| 4 | 19/10/2018 06:50 AM ID: 97169086 | I'd be keen to see game bird season legislation similar to UK, Guernsey and France to allow game birds to be taken. I appreciate this will be controversial but I feel we are losing touch with our traditional approach to the country. Hunting game and fishing supports conservation as it brings more people into contact with wildlife and encourages them to protect environments. I find it difficult to see how anyone who eats meat or fish can object. I am pleased to see pheasant taken off the wild bird list. | | |
| 5 | 20/10/2018 16:57 PM ID: 97302646 | More clarity of ASP's, particularly what happens if they are opposed by landowners, would be useful. 'Rana dalmatina' is misspelt in Schedule 1 Table of protected wild animals. On page 46, the 'h' in helvetica should not be capitalised. On page 46, Bufo spinosus is spelt incorrectly. Schedule 6: I believe this list could be improved with the addition of more locally rare and threatened species to be protected from disturbance. | | |
| 6 | 21/10/2018 20:42 PM ID: 97342816 | There are more native Jersey animals (microbes) in soil than there are naturally occurring animals above. The use of biocides applied to decimate soil dwelling animals is arguably worse than applying biocides above. It is excellent harmful practices above ground are controlled, if deemed they could negatively impact human or natural security. It is not good that the same laws aren't in place to protect soil dwelling animals which have direct relationship with our food and water quality, while acting as a food source to support our bio security, currently under threat. | | |
| 7 | 23/10/2018 00:09 AM ID: 97481154 | With the increasing population of Dogs in the island 8,000 + .Jersey wildlife is under severe threat and laws should be strengthened regarding deliberate disturbance of wading birds and Brent Geese. Also dog owners are now training hunting dogs in woodland and coastal areas .ie Les Landes, Crabbe and Egypt . All these areas 20 years ago were safe havens for ground nesting | | |

11. Please comment below if you have any other comments regarding the draft legislation.

| | | | Response Percent | Response Total |
|----|--|--|---------------------|-------------------|
| | | birds but times are changing rapidly and all ground nesting birds are on the decline .Can the legislation regarding these comments be strengthened and implemented ?before its too late . | | |
| 8 | 23/10/2018 13:41 PM ID: 97531188 | Would have liked to see more of the UK and International protected Marine species included. | | |
| 9 | 26/10/2018 17:53 PM ID: 97910939 | General habitat protection - Article 37 Duty to promote conservation of biodiversity. We are hoping that this provision will improve the management of verges, hedges, banks and field margins as set out in your Booklet No 3 "Hedgerow and Grass Verge Management - guidelines on best practice" to restore biodiversity and wildlife corridors on both sides of our roadside hedges and banks and inside field margins. | | |
| 10 | 28/10/2018 11:09 AM ID: 98001298 | We are losing our wild plants and animals at an alarming rate in Jersey due to a combination of pressures. It is no longer enough to protect what exists and we need to actively manage the land and water to encourage the flourishing and expansion of our various ecosystems. Climate change mitigation requires the rapid and widespread planting of trees, correct soil management, flood control and soil runoff limitation, and protection of our fresh and sea water. This should be enshrined in law. | | |
| 11 | 29/10/2018 15:15 PM ID: 98081958 | Please add hedgehogs and their nests to be protected | | |
| 12 | 30/10/2018 13:30 PM ID: 98141917 | Would it not be feasible to think that the non-indigenous animals being brought into the island e.g. Terrapins, snakes bearded dragons and the like should be done subject to strict laws. For example licencing ownership and ensuring that sales are only permitted subject to strict checking and vetting of potential owners who would also need a licence. This would help reduce the increasing amount of abandoned creatures being left to fend for themselves in the wild and affecting our indigenous wildlife. | | |
| 13 | 30/10/2018 15:46 PM ID: 98190256 | This draft does not set out the highest possible standards and does not properly reflect the needs of the Island, why is it following UK legislation? Due to our geographical location it is imperative to be in line with French and European legislation. Has there been any consultation with Guernsey? | | |
| 14 | 31/10/2018 15:53 PM ID: 98293718 | I am very keen to gather as much information as possible before I comment. I am a true believer that the wildlife needs to be protected, but I think human needs should also be considered. In particular, I am thinking about people who feed and encourage "wild" geese to stay near neighbouring properties. | | |
| 15 | 05/11/2018 12:03 PM ID: 98703407 | I do not agree with the downgrading of certain reptiles and amphibians but strongly agree with increased protection for our local flora/fauna | | |
| 16 | 06/11/2018 13:01 PM ID: 98811819 | Please can this just be the start. The Environment has failed to make it into the strategic priorities. It needs to be tied up with public health and mental health which is. We need urgent legislation that encapsulates polluter pays (including domestically), non degradation principles (population control), preventative work and public education through investments in private sector joint working (as with ecoactive) and one gov. working. There needs to be a legal basis for biodiversity policies and planning across sectors and all levels of the States. This is a great start, thank you for all the hard work! | | |
| 17 | 06/11/2018 15:14 PM ID: 98829250 | I wonder how this will affect many long-established free-living colonies eg mute swans and geese that are not viewed as native. | | |
| 18 | 15/11/2018 17:59 PM ID: 99697428 | We need better enforcement and education. Otherwise this legislation as it is and as it was is a total waste of time and like most of Jersey's environmental management looks good on paper but in reality the wildlife is getting hammered. If people were charged and fined when offences occur then people would soon change their ways, currently the Ecréhous is a free for all with over 10 commercial vessels operating there some doing several trips a day its easy to see why this is unsustainable. Sadly the Environment Department have allowed this problem to grow unchecked I hope some improvements do happen and we can all enjoy the wildlife and relax undisturbed. But knowing the department's record I very much doubt it. Commercial operators within Ramsar sites should have an environmental part of their licence and | | |

11. Please comment below if you have any other comments regarding the draft legislation.

| | | | Response Percent | Response Total |
|----|---|--|---------------------|-------------------|
| | | breaches would see the removal of that operator's licence. Some management of offshore nesting and haul out sites is needed. | | |
| 19 | 16/11/2018 09:18 AM ID: 99743907 | The building of properties in the countryside causes harm to wildlife but what is possibly more important is the indirect effect. I live in the country and have seen the devastation caused by feral cats but more so by pets. On my property cats are seen daily and I have found numerous animal and bird corpses or large amounts of feathers or fur, including those of water rail, moorhens, collared doves, greater spotted woodpeckers, squirrels toads (usually just the head bitten off), slow worms, green lizards and grass snakes. I have not seen the last two species, either alive or dead, in the area for some years, which I am convinced is due to cats. Building permits should consider this situation and steps taken to minimise such effects, either by containing residences to minimise access of domestic animals to the open countryside or by collars being fitted to cats with adequate bells. I appreciate that this is very unlikely to occur but the damage by cats should not be underestimated or ignored. | | |
| 20 | 25/11/2018 20:32 PM ID: 100509684 | Excellent work overall, much needed and much appreciated. Congratulations to all involved, and wishes for a speedy implementation. | | |
| 21 | 26/11/2018 15:30 PM ID: 100576986 | What are the remedies for contravening any sanctions or ignoring restrictions, rules, licences etc? | | |
| 22 | 26/11/2018 15:33 PM ID: 100577833 | <p>Article 7: As with my comments under question 6, the defences under article 7(5) and article 7(7)(a) are not acceptable under EU law with respect to EPS. It should be an offence to deliberately or recklessly kill [a bat] (article 7(1)(a)), or to permit another person to deliberately kill, injure or take [a bat] (article 7(1)(b)). Technically does that mean you can ask a pest controller to kill a bat in your house?</p> <p>I am aware that we are not subject to the provisions of the Habitats Directive, but I understand we wish to be compliant with EU Law. These articles not EU law compliant with respect to bats. We are signatories to Eurobats, and under Article III(I) 'Each Party shall prohibit the deliberate capture, keeping or killing of bats except under permit from its competent authority'. As currently written the Wildlife (Jersey) Law is in breach of this general provision. Accidental death of bats would not be considered 'deliberate or reckless'.</p> <p>General comments There was a comment made at one of the consultation meetings that an open general licence may be considered for live trapping of small mammals. Very clear guidance must be given in order to stop shrews dying in traps. Following the UK general licence for trapping shrews should hopefully mitigate any problems. The inclusion of 'reckless' into the law is a positive step. I hope it remains. Finally, many congratulations on the hard work that has obviously gone into the writing of the draft law, and the openness of the consultation process.</p> | | |
| 23 | 26/11/2018 20:28 PM ID: 100602065 | As set out in the consultation paper these changes allow Jersey to update its laws in line with current international standards and work to ensure Jersey protects its native species. My concerns are around transparency of setting the framework and that relevant expertise to guide and allow challenge /appeal and should there be a panel/forum created for this purpose. | | |
| 24 | 26/11/2018 22:15 PM ID: 100610800 | All animals should be protected from cruel treatment and disturbance. I support anything which advances this cause. | | |
| 25 | 27/11/2018 09:32 AM ID: 100629935 | Please make it explicit that this is not to facilitate removal of wildlife to allow development. Please demand use of 'plain English' throughout. Refer to global best practice, the UK is not always a good model. Include a presumption of 'no harm' to the whole ecosystem including soil biomass. Bio security of our small Island ecosystem must be emphasised more explicitly. | | |
| 26 | 27/11/2018 10:29 AM ID: 100638511 | I am impressed with the revised law! | | |

11. Please comment below if you have any other comments regarding the draft legislation.

| | | | Response Percent | Response Total |
|----|---|---|---------------------|-------------------|
| 27 | 27/11/2018 11:56 AM ID: 100644301 | <p>Please note the Shark Trust has been encouraged to contribute to this consultation within a limited time frame - as such the comments are not comprehensive.</p> <p>The general observation is that the list of species proposed under Schedule 1, Article 5 and Schedule 6, Article 5 are limited in scope to a blanket protection for pelagic species, whilst specifically identifying Triakidae and Scyliorhinidae as Families not included under the law. We believe this is short sighted as fisheries for Triakidae in particular are of increasing value - with increasing management for Tope (<i>Galeorhinus galeus</i>) and a pressing need for effective management for Mustelus. Furthermore we would urge the highest level of protection to be afforded to <i>Squatina squatina</i> should it be encountered.</p> <p>Particularly concerning is the absence of reference to skates and rays. We would urge consideration of the listing of the larger bodied skate - particularly <i>Rostroraja alba</i>, <i>Dipturus batis</i> and <i>Dipturus intermedius</i>.</p> <p>The Shark Trust would be pleased to discuss these or any other comments with a representative of Jersey Government in more detail.</p> | | |
| 28 | 27/11/2018 14:15 PM ID: 100664734 | <p>We note that <i>Azolla filiculoides</i> has not been included within Schedule 11 (INNS). <i>Azolla filiculoides</i> is a very invasive aquatic plant which has a negative impact on the biodiversity of a wildlife pond; it forms a mat over the surface, which then leads to less light and eventually very poor oxygen levels. German Ivy has also spread a lot within the last few years, this is worrying as it is taking over basking spots along the south east coast. This invasive garden plant is covering large areas and having a negative effect on biodiversity. This should also be added to Schedule 11.</p> <p>The definition of the word "take" needs to be included within this law, for example, as Newts aren't a schedule 4 species, they could technically be moved from one pond to another with a potential risk of spreading disease.</p> | | |
| 29 | 27/11/2018 16:30 PM ID: 100680067 | <p>The Trust would like to see black swan and feral geese added to the schedule of INN species and treated as such with consideration given to domestic poultry such as chickens. The case of Vallee des Vaux illustrates the issues well. Unwanted released chickens do seem to be increasing across the island and pose a risk of habitat destruction and in terms of biosecurity.</p> <p>The Trust would also like to see crow, magpie, feral & wood pigeon and pheasant added to the list of protected birds with control licences issued on an evidence based scheme. It is unclear why they have been omitted but it appears that there is a 'tradition' or 'culture' of shooting these birds with little or no evidence that it is required or even effective.</p> <p>On the whole, the Trust welcomes the suggested changes and congratulates the department for their hard work in getting this far.</p> | | |
| 30 | 27/11/2018 21:11 PM ID: 100707740 | <p>The species which kills or takes the greatest number of wild animals is probably the domestic cat. This problem is not covered by this draft law and we like to see this problem being addressed under separate consultation.</p> <p>For future consultations, we suggest that presentations are held at the beginning of the consultation period, rather than the end. This will give organisations more time to discuss proposals and provide considered responses</p> | | |
| | | | answered | 30 |
| | | | skipped | 31 |