

Deputy Hilary Jeune  
19-21 Broad Street  
St Helier  
Jersey  
JE2 3RR

23 August 2024

Dear Deputy Jeune,

Thank you for reaching out to Blue Marine Foundation as a stakeholder in the review of the Jersey Marine Spatial Plan (JMSP), as long-term advocates and supporters of marine research and conservation in Jersey, we are grateful for the opportunity to provide our input. We have responded to the review questions below, and as a priority we wish to draw the Panel's attention to two points of specific concern; the lack of clarity on the timescale of Marine Protected Area (MPA) designation; and the removal of vital habitats (i.e. maerl beds) from the proposed MPA network.

We welcome the Government of Jersey's stated intention to protect a significant portion of Jersey's waters and their commitment to protect 30 per cent by 2030. However, given the proposal to reduce this amount from 27 per cent to 23.3 per cent, alongside full justification for this move, we would like see, in the JMSP, a clear roadmap set out on the steps and timeline to achieve the full 30 per cent by 2030. More importantly, we feel it is necessary to ensure the immediate implementation of MPAs, to prevent any further habitat degradation and the JMSP needs to clearly set out how this will be delivered as soon as it is approved.

We are fully supportive of the inclusion of key habitats such as maerl, kelp, seagrass and shallow reefs as features covered by the proposed MPAs, as these play an important role in supporting biodiversity, commercial fisheries and increasing climate resilience. However, we have significant concerns about the removal of large areas of maerl from the MPA network originally set out in the consultation draft. The original draft MPA network aimed to protect 88 per cent of known maerl extent. However, this has been reduced by a significant 62.5 per cent following public consultation, leaving only 33 per cent of the maerl habitat protected by the revised MPA network, as shown in Table 1. The justification and reason behind this significant change is not clearly stated in any of the published documents and we urge the Panel to scrutinise this fully.

| Habitat Character | Territorial Waters            |        | In existing MPAs              |        | In initial DRAFT MPAs         |        | In proposed revised MPAs      |        |
|-------------------|-------------------------------|--------|-------------------------------|--------|-------------------------------|--------|-------------------------------|--------|
|                   | Total area (km <sup>2</sup> ) | %Cover | Total area (km <sup>2</sup> ) | %Cover | Total area (km <sup>2</sup> ) | %Cover | Total area (km <sup>2</sup> ) | %Cover |
| Maerl beds        | 56.63                         | 100    | 6.57                          | 11.6   | 50.24                         | 88.72  | 19.01                         | 33.37  |

Table 1: Values show the extent of maerl within; Jersey waters, existing MPAs, initial draft MPAs and revised MPAs. Calculations are derived from habitat data provided by the Government of Jersey.

The 'JMSP Business Impact Assessment of the proposed Marine Protected Area network' states that economic analysis has not been carried out on the areas that require 'further survey work', where the large majority of maerl habitat is located. This would infer that no economic analysis was done on these maerl beds, and therefore, there is no evidence or justification for removing them from the initial proposed MPA network.

If the decision made to exclude these large areas of maerl, is due to the importance of those areas to the local mobile gear fishing fleet, then we would expect the evidence for this to be publicly shared.

If the decision was made due to a lack of evidence to justify the inclusion of these areas of maerl within the MPA network, then we would also expect this to be clearly explained. Furthermore, if this is the case, then we would like to understand the threshold of evidence needed to justify the inclusion of these maerl beds within the MPA network, and clear timescales for delivering the research needed to build this evidence base.

The revised MPA boundaries would fall short of Jersey's commitments to the Kunming-Montreal biodiversity framework and the OSPAR Convention. Marine protection to the extent of 27 per cent of our territorial waters would place Jersey within the top 10 most protected marine jurisdictions in the world. Instead of being a world leader in delivering on its commitments, the reduction to 23.3 per cent makes Jersey's journey to fulfilling its international targets much slower and more difficult.

While we are disappointed to see a reduction in the area proposed for protection, we appreciate the comprehensive process that the Government has undertaken. However, given the uniqueness and vulnerability of Jersey's maerl beds, we would urge the Government to protect as much of this vital habitat as possible.

Please see below for our answers to the questions as set out in the Terms of Reference for the review:

**1. Does the Marine Spatial Plan achieve the correct balance between commercial activity, leisure activity, the Island's cultural heritage and the needs of the natural environment?**

As a whole, we feel the JMSP finds a good balance between all these different aspects. However, when looking at the reduction in the area protected within MPAs, we feel that the reasoning behind this (although still not clear) is weighted more towards short term commercial/economic activities in comparison to improving the natural environment and the long term commercial and economic gain through improving the longevity of local fisheries.

**2. Do you have a view on its impact on any of those areas?**

We believe the JMSP will have a largely positive impact on commercial activity, leisure activity, the Islands cultural heritage and the needs of the natural environment.

**3. Do you have a view on whether the right decision was made by Government to reduce the size of the Marine Protected Areas designated in the Plan from the 27% of territorial waters proposed in the consultation to 23% in the final document?**

Given the urgent need to protect the oceans both for environmental and long-term economic reasons, we do not feel the right decision has been made in reducing areas of protection. We do not feel that a detailed or viable explanation has been given for the amount of maerl habitat which has been removed from the initial MPAs proposed within the 27 per cent network of the draft JMSP. We would like to know, and for Scrutiny to review, the evidenced justification of why large areas of maerl to the SE of the Island and East of the Ecrehous have been removed from the MPA network, as shown in Figure 1.

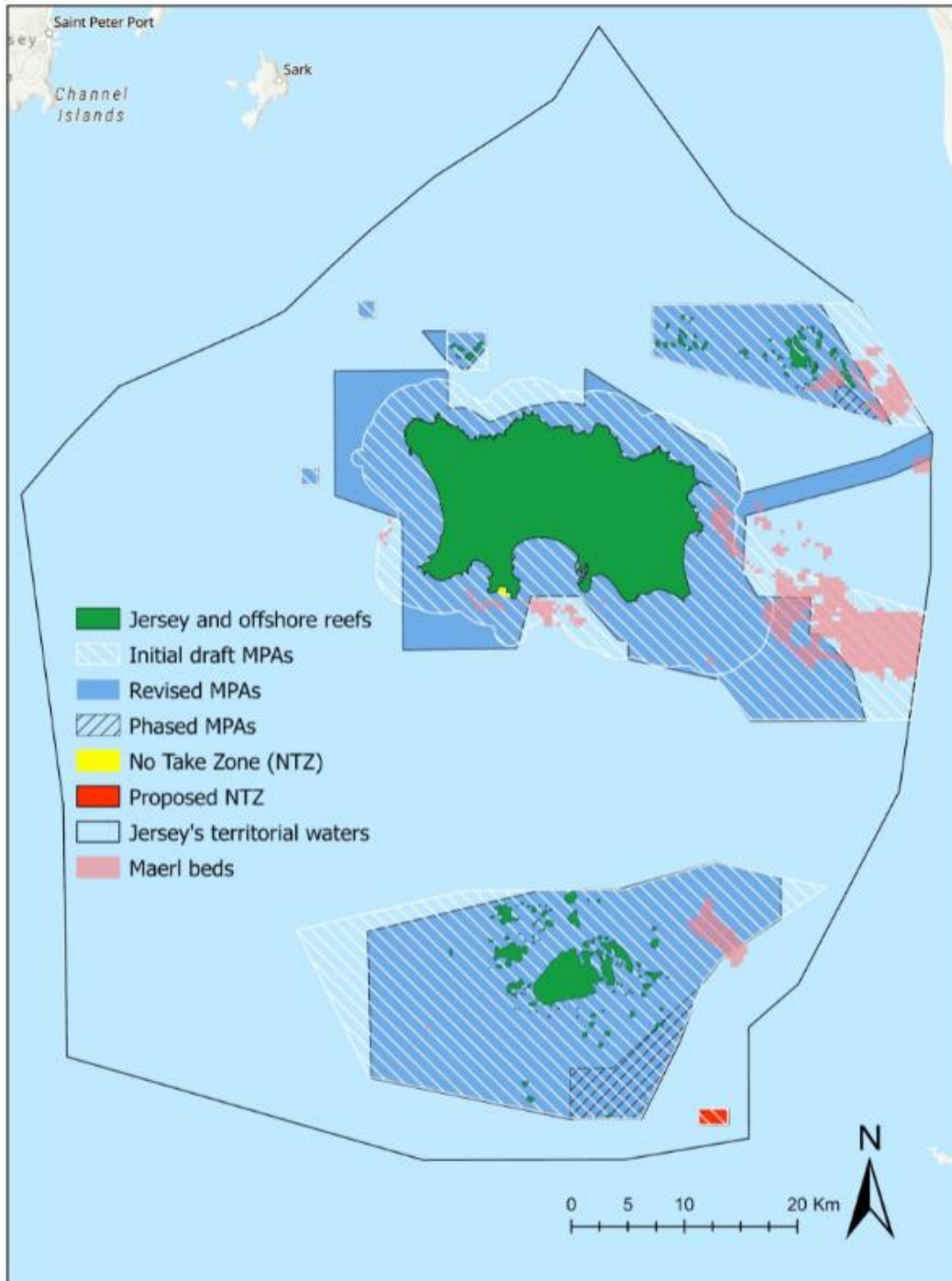


Figure 1: Comparison of the initial draft MPA boundaries with the revised boundaries, layered over maerl habitat extent. (Data provided by the Government of Jersey)

The JMSP itself states that maerl is ‘particularly vulnerable to damage from mobile fishing gear (trawling and dredging) which scrapes the seabed and disturbs its surface and its subsurface. This destabilises sediment and overturns rocks, burying animals and plants, and killing organisms such as seaweeds, molluscs, crustaceans and sponges. If done repeatedly or in sensitive locations, it can take years for the seabed to recover. If disruption is regular over a prolonged period then some habitats will be unable to recover fully.’ Further, the JMSP also states that the ‘use of mobile gear presents the biggest threat to the integrity and viability’ of maerl.

Maerl is a priority habitat under OSPAR, and should be protected according to the requirements of Annex V of the Convention. Maerl habitat plays an important role in supporting biodiversity, sequestering carbon, as well as contributing to the carbon cycle. The destruction or disruption of this habitat (which has a high carbon accumulation potential) will not only have an adverse impact on biodiversity in the short and long-term, but it will also reduce the potential for greenhouse gas reduction, and potentially resuspend buried carbon, allowing it to return to the atmosphere. Furthermore, as stated in section 8.6.3 of the JMSP, maerl ‘provides structure and habitat for many other species’ and is ‘characterised by diverse burrowing communities, in particular bivalves, including the commercially important king scallop’. The health and integrity of maerl is therefore imperative in maintaining long term benefits for fish stock recovery, and therefore the Island’s local fishery.

Given the fragility of this habitat and that only 33 per cent of their extent is covered by the revised MPAs, in comparison to the 88 per cent which the initial boundaries covered, we are concerned that allowing ongoing damage to maerl, from mobile gear fishing, will affect the integrity of the MPA network and undermine Jersey’s progress in tackling the biodiversity and climate crisis.

**4. Do you have a view on the Government’s consultation and how the feedback it received has been assessed?**

Blue Marine feels that the consultation process involved good levels of engagement and communication with stakeholders. We also feel the assessment of feedback was comprehensive, shown by providing an answer to every response, as well as undertaking further work (such as impact assessments) to further inform decisions. However, we feel that in some instances, there is a lack of evidence and reasoning provided for certain decisions.

For example, when Blue Marine proposed for Action NB5b to include a timeline, the JMSP responded by saying ‘immediate timelines cannot be decided within the JMSP’. We would like to understand the reasoning behind this, as we feel the JMSP should be able to advise on timelines. Furthermore, when Blue Marine also proposed for active language, such as ‘will’ rather than ‘should’, to be used in Actions NB6a, b, RT3a, c, RT7a, IT2b (formerly IT1b), and IT6b (formerly IT3b), the JMSP responded by saying ‘terminology within the JMSP is advisory not policy’. The word ‘will’ is used in a large number of other priorities and actions. We would therefore like to understand why there is a lack of consistency in the use of this language throughout the JMSP’s priorities and actions.

**5. Do you have a view on the new fishing zone framework?**

We support the new fishing zone framework.

**6. Do you think that your company, organisation or the activity you do will be adversely or positively impacted by any aspects of the Marine Spatial Plan?**

As a marine conservation charity, with a focus on increasing the extent and levels of marine protection around the world, we feel that the specific MPA aspect of the JMSP will positively impact us in our shared mission with Jersey (and the World) to see 30 per cent marine protection by 2030. However, if the final MPA network does not deliver on the Government's commitment to protect 30 per cent of Jersey's waters, including increasing the extent of important maerl habitats protected, we feel that this will adversely impact the Government's reputation as a leader in the shared mission to tackle our biodiversity and climate crisis.

Other aspects of the JMSP, outside of MPAs, such as science and research, sustainable fishing, recreation and tourism, and education, are well aligned with our organisational goals

**7. In your view, are there any further considerations/solutions that should be included in the Marine Spatial Plan? If so, could you provide further detail?**

The main consideration that we would like the JMSP to include, is the reinstatement of the originally mapped maerl habitats within the proposed MPA network as outlined in our response to Q3.

Additionally, we would like the JMSP to include:

- A plan for immediate implementation of MPAs, equipped with timelines for MPA and fishing zone designation, particularly around Action NB5b and the legislation to give MPAs a statutory basis.
- A timetable to designation and terms of reference (TOR) for the sites labelled as 'Areas of research for future Marine Protected Area designation'. The existing wording is open ended, and we would recommend that the plan/ TOR includes the required thresholds for when enough research/evidence has been gathered to protect these sites, as well as a timetable for undertaking such research.
- The level of resource required in section 1.2 and appendix A, and where this resource may come from.
- A requirement for an assessment of other damaging activities, beyond fisheries on the MPAs and a commitment to introduce protection measures if potential damage is identified.
- The consistent use of active wording. The JMSP regularly uses the word 'will' within its priorities and actions, as outlined in our answer to Q4.
- Including specific wording regarding auditing and enforcement of a seafood sustainability mark, which we feel is crucial to the integrity for such an initiative, in order to prevent green/blue washing.
- Including specific wording on transitioning away from mobile fishing gears within the actions of Priority FA5. We feel this should be considered to help reduce the social and economic impact on the mobile gear fleet as a result of MPA implementation.

- The public consultation response states that ‘Nature Inclusive Design (NID) has been added to action IT3a’. However, this change has not been made, and we would like to see this change officially made within the JMSP.

**8. Are there any elements of the Marine Spatial Plan that raise concern for you? If so, could you provide further detail?**

Our main concerns revolve around:

- The significant reduction in the extent of maerl within the revised MPA boundaries, and the reason for doing this.
- The lack of timelines and a TOR for areas which require further research in order to designate as MPAs.
- No timescales present to see MPAs put in place immediately. This could be achieved under existing fisheries legislation, as is the case for the current MPAs, while statutory legislation is being developed. It is vital that protection is in place sooner rather than later, to prevent any further degradation to habitats which sustain local communities, wildlife and climate.
- The lack of a timeline for the legislative process to make the MPAs statutory. We support the proposal to create statutory MPA legislation.

**9. To what extent do you think the Marine Spatial Plan will be successful in fulfilling its international obligations?**

In its current state, although the JMSP indicates a significant step toward fulfilling its international obligations, it will still fall short.

As stated in the JMSP, Jersey has a responsibility under the Global Biodiversity Framework to protect 30 per cent of its territorial waters by 2030. The revised MPA network (including areas for phased protection) accounts for 23.3 per cent of Jersey’s waters. Even with addition of areas for ‘further survey’, which form 3.7 per cent of Jersey’s waters, the Island will still fall short of its 30 per cent ambition by 3 per cent.

Jersey also has an international responsibility under the OSPAR Convention to protect certain priority habitats. Jersey is home to three of these habitats (kelp forests, maerl beds and seagrass meadows). Currently, the MPAs outlined in the revised JMSP cover approximately 83 per cent of kelp forest, 33 per cent of marl beds and 100 per cent of seagrass meadows. Jersey will therefore be falling short on this commitment if the area of maerl habitat included within the MPA network is not increased significantly.

**10. Do you have any information on whether Government has sufficient resources to implement and/or police any parts of the Marine Spatial Plan.**

We understand that all fishing vessels operating in Jersey waters are now equipped with iVMS or VMS, which allows the Government to identify (in real time) when a vessel may be operating mobile fishing gears within MPAs. However, we are aware that the current team can be stretched at times, and we would urge for a full-time enforcement officer to be employed, solely for the purpose of policing Jersey waters and MPAs.



Please do not hesitate to contact me if you require any further details. We look forward to seeing the outputs from the review.

Yours sincerely,

A handwritten signature in black ink, appearing to read "FW", written over a dotted line.

Freddie Watson,  
Channel Islands Project Manager,  
Blue Marine Foundation