

Guidance Note for Dealing with Stranded Whales, Dolphins and other large Marine Wildlife on Kent Coast.

This guidance note has been produced to assist coastal Local Authorities and their partners to respond to reports of live and / or dead strandings of cetaceans (whales and dolphins) and other large marine wildlife. On Receiving Alert of Stranding: Please seek as much detailed information on the nature of the stranding as possible from caller. The following details are especially useful: 1. Stranding site location and description of shoreline

2. Date and time found
3. Animal species (digital images can assist identification)
4. Overall length of animal
5. Condition of animal (i.e. live or dead)
6. Caller contact details

Please look at alerting diagram below for all phone numbers. This information must then be immediately communicated to the Maritime and Coastguard Agency (MCA) using their 24-hour tel. no. 02380 329483 (MCA will notify the Receiver of Wreck). Contact should also be made with the Kent County Council (KCC) & Kent Resilience Team (KRT) Duty Officer on 03000 414999 and district emergency planning lead/ out of hours duty officer who will contact relevant response agencies (including RSPCA, British Divers Marine Life Rescue, UK Cetacean Strandings Investigation Programme and the waste disposal authority). Please note that no attempt should be made to move or capture stranded animals and that the public should remain at a safe distance, to reduce potential for harm to both people and animal.

Disposal: Following scientific investigation the local authority may be required to move or dispose of a dead animal(s). A common-sense risk analysis will need to be made informed by the size, condition and location of the stranding i.e. animals within inaccessible or remote locations,

particularly smaller species and those in an advanced state of decomposition, may simply be left for natural processes to take their course, however, animals in highly populated areas, on amenity beaches or with the potential to cause a hazard to shipping if refloated may require removal and disposal by the most practical and environmentally sustainable means available. Removal requires a licence exemption from the Marine Management Organisation (MMO). Removal to the sea or burning out to sea requires a marine licence and is not covered by this exemption, and burial on the beach below high-water mark also requires a marine licence.

Beach-burial on amenity beaches and burning (both approaches historically utilised in Kent) are not recommended, because of the potential for pathogen spread and residue. Co-operation between the waste collection authority (District Council), waste disposal authority (Kent County Council, via KCC/KRT Duty Officer tel. 03000 414999) and Natural England is recommended. **The legal situation as pertains to strandings is set out at the end of this document.**

Risk Assessment: Responders dealing with stranded dead cetaceans and other large marine wildlife should ensure that a dynamic risk assessment is completed and that correct PPE is used during close contact, as carcasses may be unstable or harbour pathogens potentially harmful to human and other animal health.

Please look at alerting diagram below for all phone numbers.



ALERTING DIAGRAM

Initial external/
internal report to
Local Authority of
stranding



- Receiver of report establishes the following:
1. Stranding site location and description of shoreline
 2. Date/time found
 3. Animal species
 4. Length (metric)
 5. Condition (dead/alive)
 6. Caller contact details

Photograph:
Fin Whale corpse, Foreness Point, 14 October 2015. Source: Thanet District Council

Receiver of report calls:-
Maritime and Coastguard Agency
(MCA): 02380 329483 (24 hr)

Receiver of report calls:-
Kent County Council/KRT duty officer: - 03000 414999 (or 01622 675570)

Receiver of report calls:-
Emergency planning/
resilience/out of hours duty officer at district council

District Emergency Planning Officer/out of hours duty officer liaises with
KCC/KRT duty officer;
03000 414999

MCA call:-
Receiver of wreck
Liaise with KCC/KRT duty officer;
03000 414999

Live strandings: KCC/KRT calls:-
RSPCA 0300 1234999 (24hr)
British Divers Marine Life Rescue
01825 765546/07787433412
Liaise with MCA 02380 329483

Dead strandings: KCC/KRT calls:-
UK cetaceans strandings investigation programme 0800 6520333
Notify Marine Management Organisation (MMO) of wish to remove body under a licence exemption*
Initial discussion with waste disposal agency (district council)
Inform Natural England Kent office
03000 603900 (office hours)
Liaise with MCA 02380 329483

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is in annex U of Kent and Medway Shoreline Pollution Emergency Plan:
http://www.kent.gov.uk/_data/assets/pdf_file/0007/47806/Kent-and-Medway-Shoreline-Pollution-Emergency-Plan.pdf

* Exemption form — requires a log in and to be registered on the system to fill out an online form (once this is submitted the body can be Removed from the shoreline): https://marinelicensing.marinemangement.org.uk/mmo/fox/live/MMO_LOGIN/login



Legal background: -

The legal context relating to cetacean and other large marine wildlife strandings is complex; the following information seeks to provide some clarification:

1. The Wildlife and Countryside Act 1981 and Conservation of Habitats and Species Regulations 2010 protects all cetaceans (whales and dolphins), marine turtles and the basking shark. (Seals are only protected by this legislation from certain methods of taking and killing and are not protected to the same level as cetaceans and turtles and basking sharks. Seals are protected from taking under the Conservation of Seals Act 1970 and removal of dead seals does not require a wildlife licence under this Act.) In the event of a stranding, the legal situation should be ascertained from Natural England (this especially applies to disposal). The Marine Management Organisation (MMO) is the wildlife enforcement authority for marine species and wildlife licensing authority below low water mark.
2. Statute Prerogative Regis, 17 Edward II (AD 1324) states that although the Crown has sovereign dominion over the sea around the British Isles, it has no general property in the fish and marine mammals in it except for cetaceans and sturgeon. These are 'Royal Fish' and belong to the Crown. The chief requirement of the Royal Prerogative nowadays is that stranded 'Royal Fish' are reported to the Receiver of Wreck who will then pass the information to the Natural History Museum, London and other relevant bodies. The Receiver of Wreck can be contacted via the local coastguard.
3. In consultation with the Receiver of Wreck, local authorities may deal with the collection and disposal of carcasses of 'Royal Fish'.
4. Unfortunately, when they strand alive, cetaceans can be vulnerable to deliberate harm from human activity. Under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2010 any person who intentionally disturbs, kills, injures or takes any cetacean shall be guilty of an offence. Kent Police and the MMO are the investigating authorities in this regard. As both are enforcement authorities, the decision is generally made locally as to who will lead on a marine species case.
5. Even when cetaceans are dead, possession of any part of the animal is strictly illegal under the Wildlife and Countryside Act and Habitats Regulations, except under Natural England licence.
6. Kent Police, MCA, local authorities and RSPCA staff will work together to ensure that a live animal is not harassed, with recourse to the Protection of Animals Act 1911 which protects captive animals from acts of commission and omission which cause suffering, stranded cetaceans can be considered "captive". The MMO is also a management and enforcing authority but will be unlikely to provide on the

scene resources in these incidents. They can however assist with coverage in social media and on the internet to try to prevent harassment of live animals if this approach is seen as useful.

Useful links:

Kent and Medway Shoreline Pollution Emergency Plan: http://www.kent.gov.uk/_data/assets/pdf_file/0007/47806/Kent-and-Medway-Shoreline-Pollution-Emergency-Plan.pdf

Marine Management Organisation licence exemption form:

https://marinelicensing.marinemanagement.org.uk/mmo/fox/live/MMO_LOGIN/login

Article detailing how cetacean corpses feed ocean floor habitats: <https://www.popsoci.com/whale-corpses-feed-ocean-floors>

