

[REDACTED]

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**From:** Mark Carter <mcbt.carter@btinternet.com>  
**Sent:** 04 April 2011 12:28  
**To:** [REDACTED]  
**Subject:** Seal haul-out designation consultation

**Importance:** High

**Follow Up Flag:** Follow up  
**Due By:** 12 April 2011 00:00  
**Flag Status:** Completed

Dear Andrew,

**Re: DETAILS: Consultation on Seal Haul-Out Sites 25/3/11 to 21/06/11**

For your information, I thought that you may be interested that Marine Concern is collating information in addition to Marine Scotland, covering seal haul-outs, this is for numerous reasons; namely some NGOs and individuals believe that a combined approach may be beneficial and that from our past experience many people in remote rural locations appear reluctant when dealing with government officials.

While I fully understand the reasoning behind the current haul-out designation consultation I firmly believe that this has been a missed opportunity and a further example of the governments apparent "lack of will to deliver" in terms of Scotland's marine environment, indicating a strong bias in government towards the commercial fishing and aquaculture sectors, at the cost of both the tourist industry and Scotland's marine ecosystems.

Seals appear to prefer specific haul-out locations, and these differ according to the weather conditions, and anthropogenic pressure. Seals have already been displaced from some of their traditional haul-out locations, and are not as current government/agency thinking displays so free to "locate elsewhere" once displaced.

For these reasons I strongly believe that known seal haul-outs should become "designated" sites automatically; safeguarding both Scotland's seals and its marine wildlife tourism industry. There is still ample room *"to achieve an appropriate balance between seal conservation and sustainable fisheries and aquaculture"*.

A few individuals within Marine Scotland may be persuaded by the comments displayed on the Scottish government's FAQs, such as; *"non-lethal measures are preferred these are not effective in all cases and the option of killing remains necessary as a last resort"*, but the reality is very different and the general public are becoming all too aware of these tactics, furthermore they are becoming increasingly not acceptable.

The term "non lethal measures" is just that, in the plural, and until double skinned anti-predator nets, of the same mesh size are installed at fin fish farms the term "last resort" is simply window dressing, and one that is gaining public resentment on a daily basis.

We would urge the government to re-think its stance on Scotland's seals, and in order to *achieve an appropriate balance between seal conservation, tourism and sustainable fisheries and aquaculture*, a real balanced approach is needed, not one that appeases fisheries and aquaculture alone. The current lack of



designated areas especially in those areas where tourism is by far the largest employer and the dearth of designated haul-out sites as shown on the "Potential seal haul-out sites in management area 2a: West Scotland South and Central (file map references 0102659 and 0102660) is extremely worrying.

The Marine Concern collated information will obviously hold as much data as is possible/provided, what if any are your preferred methods of data storage? The timing of the consultation is not ideal and is somewhat dependant on past information/data sets. Even SMRU obtain data during the breeding/moulting seasons (June/December), whereas we do not wish to hold-up the official designations can consideration be given to adding additional designated sites following any new information coming to light? We understand that Marine Scotland will be exercising "periodic review", but the timeline has not been publicised, and this may not be as dynamic as is required for the current status in Scotland's seal population.

Regards, Mark

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## Racu O (Oana)

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**From:** Mark Carter <mcbt.carter@btinternet.com>  
**Sent:** 21 June 2011 21:56  
**To:** Seal Haul-Out Consultation mailbox  
**Cc:** Callan Duck; Kelly S (Samantha); Walker IW (Ian); Kent A (Andrew)  
**Subject:** Consultation update  
**Attachments:** 2011 Harassment haulouts consultation-2.docx

**Importance:** High

Please note the following attachment has been update with several late additions. The new positions are detailed in the attachment.

Sanda	55	17	5	37		
Rubha' na Lice	55	18	5	48		
Johnstone's Point to Pollywilline Bay		55	21	5	32	5
Kinuachdrachd, Jura	56	8	5	41		

Please can you confirm that you are using 2011 Harassment haulouts consultation-2.

Thank you, Mark

Mark Carter  
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**Scottish Government Seal Haul Out Consultation 2011**  
**Submission by Marine Concern**

Marine concern has been asked by numerous members of the Seals Protection Groups (SPG) to compile a list of seal haul out sites to be included within the above current Scottish Government consultation. Marine Concern has serious concerns with the interpretation of the Marine (Scotland) Act 2010, concerning "Designated Areas".

During the deliberations of the Marine Bill it was never openly suggested or indicated that only "designated" seal haul outs would be given protection, please can you inform us when these changes/alterations were made, and/or who is responsible for the need to "designate" haul outs?

Seals appear to be very particular as to the type of suitable haul out and these change according to the direction and intensity of the weather. They are also intelligent mammals and they become highly agitated and wary in areas where they have been persecuted, harassed and shot. In numerous locations due to a number of physical and anthropogenic factors seals cannot simply move on.

**Marine Concern would like it recorded that it is imperative that all seal haul outs be included for protection under the "Harassment Clause", of the Marine Act for the following reasons:**

- **Scotland has important populations of the European Sub-species of Common Seals *Phoca vitulina vitulina*, and globally significant population of Atlantic Grey Seals *Halichoerus grypus*.**

If we are to assume that the European sub-species is significant then both seal species that occur naturally in Scotland form vitally important global populations. With recent declines in the Common Seal population it is somewhat difficult to keep up with percentage equivalents (latest official figures annex 4); but with plummeting numbers, and the minimum number estimated to be around 20,000 common seals for the entire, extensive Scottish coastline, there is a clear worrying downward trend. When put into context that Scotland is home to around 40% of the European total, therefore the Global total of the sub-species.





The situation with Grey Seals is not much better; again around 40% of the Global totals reside in Scottish waters. Grey Seal pup production had declined so much in recent years that the modelling technique for determining the population size has had to be altered to account for the decline in production and now far more stable populations.

- **Haul Outs and the process of “hauling out” is a vital component part of the seals lifestyle from; pupping, moulting, resting and possibly even socialising. Seals tend to be somewhat particular to where they haul out, any site “just won’t do”!**

**Therefore known sites and all seals whilst “hauled out” should be protected.**

- Like cetaceans seals are sentient marine mammals, unlike cetaceans seals in Scotland do not receive the same levels of protection; why? Especially when some seal numbers are probably lower than some cetaceans.
- Intentional harassment during the vulnerable time that seals are hauled out is an inhumane act; to be left in a situation where some haul outs “can” be harassed and others not is not logical and needs to be amended with the utmost urgency: any seal whilst haul out **MUST** be covered by this “harassment” legislation. One participant to our information request has likened this protection of 50% to that of the ever decreasing first Nation Reserves in America.
- **The importance of “wildlife corridors” is well documented; under the proposed consultation, and comments recorded by the Scottish Government, such as, “presents a well balanced approach”, raises an alarming situation; current proposals do not allow for these wildlife corridors nor do they provide for protection to seal haul out sites that occur closer to settlements. It is these haul outs in close proximity that provide for the mainstay of Scotland’s tourist boat industry, and tourist industry in general.**
- The rocky islets and reefs, islands and coastline listed are a small percentage of known haul outs. It is generally acknowledged that the Sea Mammal Research Unit in St. Andrew’s hold the most comprehensive lists of seal haul outs, and all those recorded must be included within the “Harassment Clause” if we are to attempt to stem current declines in common seal population and maintain stable growth rates in grey seals.
- Orca and Grey Seal competition are often blamed by the Scottish Government for the demise of the Common Seals; in some locations this may have an effect, such as Shetland; clubbing pups has never been limited to the one person recently convicted and committed; yet government officials at the Scottish Seals Forum failed to investigate why?
- Some of the inner western isles and coastline has seen dramatic reductions in Common Seals (requests for Conservation Orders declined); in these specific locations Orca are almost unheard of, perhaps a rare sighting every ten or twenty years. Grey Seals occur in such low

numbers; ones or twos, and often appear to be transient individuals, hardly a reason to out compete hundreds of Commons.

- The attached list gives an indication of local interest to the inner west coastal region and local known contacts; other areas will undoubtedly have similar recorded levels and locations for seal haul outs, it is important to note that this list is woefully short in locations around Scotland and for this reason alone; all locations where seals are “hailed out” should be included under the “harassment” protection part of the Marine (Scotland) Act 2010.
- **Additional areas around Scotland have been included, but in the submission it should be noted that they are only a partial account of the actual situation.**
- **All European Commission’s Special Areas of Conservation (SACs) under the Habitats Directive must be included; this includes those SACs that have been designated for both of the naturally occurring seal species in Scotland and SACs where seals occur “in significance”.**
- **Due to the nature of Conservation Orders under the Marine (Scotland) Act 2010 it is imperative that all haul outs on mainland coasts, islands, islets and reefs be included due to the nature of the Conservation Orders and future withdrawals of the Orders.**

As the Conservation Orders for the northern isles have been in place for some time, and to the amount of locations involved these individual locations have been omitted in this response; all seal haul outs in the northern isles must be listed in their own right.

As the Conservation Orders for the Western Isles is still somewhat new we have felt that it is import to list those in two of the main Sounds i.e. that of the Sound of Harris and the Sound of Barra. This is mainly due to the large amount of publicity these areas have received recently, and anticipating that the Conservation Order for seals will be removed. It should be noted that this is not an all inclusive list for the Western Isles, and many more seal haul outs exist.

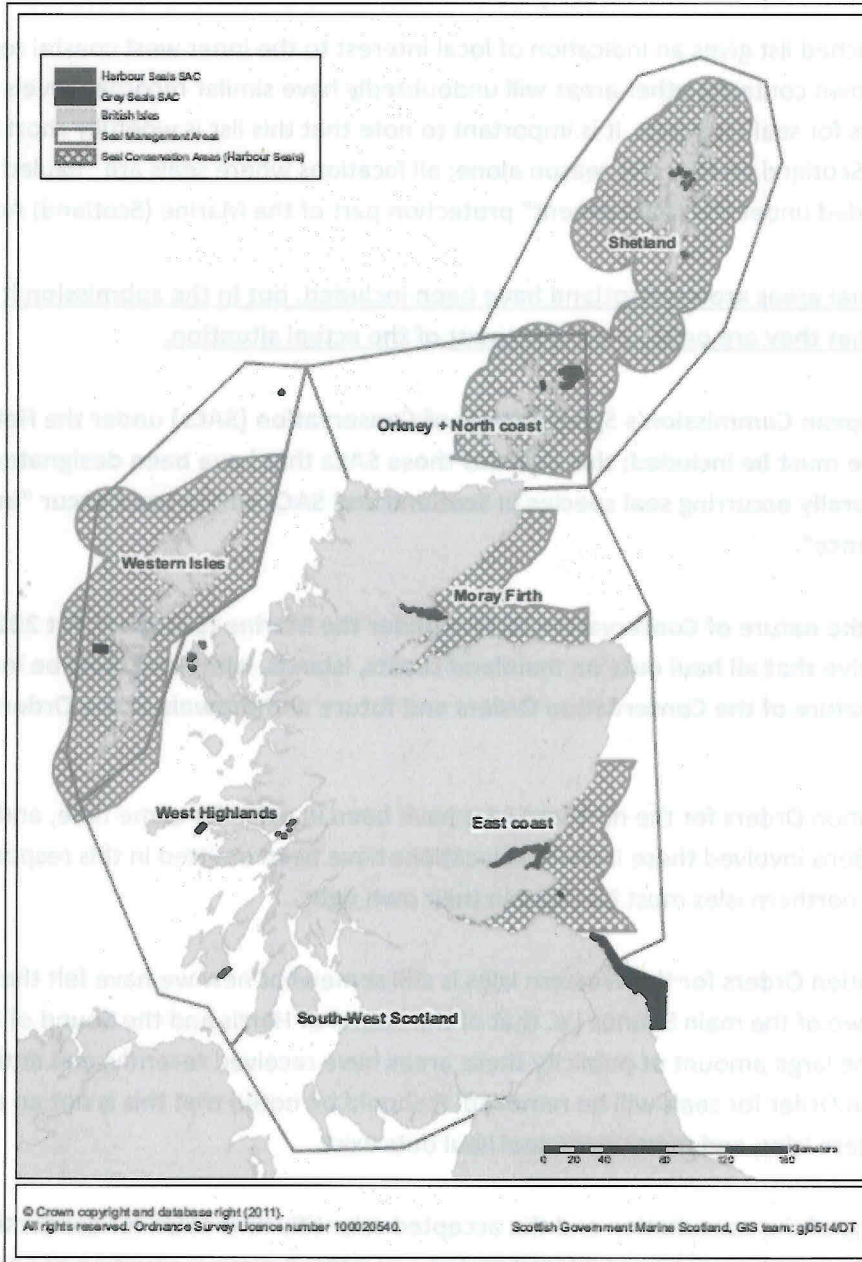
Due to the timing of the consultation and the accepted scientific time table for conducting counts the attached list can only ever be considered partial and if this ludicrous situation of partial designation continues then it is essential that further work and sites be carried out, identified and included in order to protect the future of Scotland’s seals, Scotland’s marine wildlife industry and Scotland’s magnetism on the tourist markets.

**Submitted by Mark Carter, for Marine Concern**

**Annexes follow: Annex One; Protected Seal Locations in Scotland; Annex Two, Haul out locations submitted to Marine Concern; Annex Three, Close up of west coast locations; Annex Four, Additional information obtained from Government website; Annex Five, Names and positions of some haul out sites to be included under the “Harassment” clause.**



**Annex One**



Map obtained for Scottish Government Website (20-06-2011)  
<http://www.scotland.gov.uk/Publications/2011/03/16182005/54>

**Note the absence of “protected” areas from Skye to Arran**

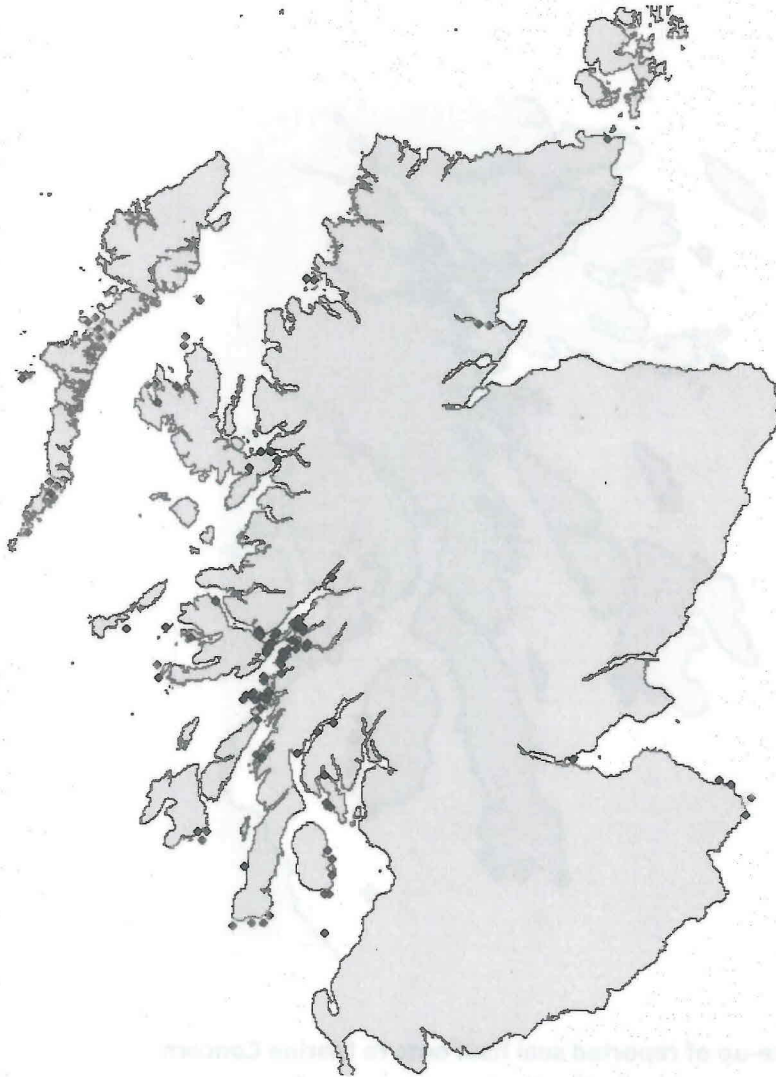
(marked as West Highlands and South-West Scotland)

Arguably the most important area for Scotland’s Wildlife Tourist Industry

All haul outs in “protected areas” must be identified, named and included.

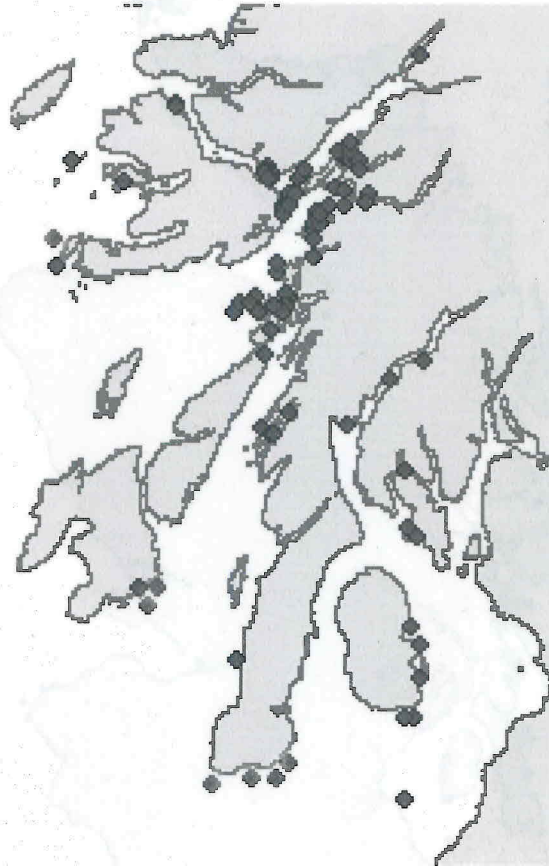


**Annex Two**



**Seal Haul Outs; Scotland**  
**Red dots indicate reported seal haul outs to Marine Concern during May/June 2011)**  
**[www.marineconcern.com](http://www.marineconcern.com)**

(Note: Some dots represent areas and/or stretches of coastline)

**Annex Three**

**Close-up of reported seal haul outs to Marine Concern**

**Compare this vulnerable area; the inner west coast of Scotland, with the map in annex one.**

**Tourism is the largest industry throughout Argyll and Bute Region.**

**Wildlife and Scenery are the BIG TWO attractions for visitors coming to Scotland.**

**NOTE: Very little protection for West Highlands and South West Scotland.**



## **Annex Four (SACs to be included, plus the Seal Conservation Order Areas)**

**Extracts for the Scottish Government Website:**

<http://www.scotland.gov.uk/Publications/2011/03/16182005/54>

### **Grey Seal SACs**

Faray and Holm of Faray, Orkney

Isle of May, Firth of Forth

Monach Isles, Outer Hebrides

North Rona NE Butt of Lewis/NW Cape Wrath

Treshnish Isles, West Mull

**36% of the World's grey seals breed in the UK;**

**90% in Scotland.**

**Since the late 1990's there has been a significant reduction in the rate of increase and pup production in some regions is no longer increasing.**

### **Common Seal SACs**

Ascrib Island, Isay and Dunvegan, NW Skye

Dornoch Firth and Morrich More, East Highland

Eilean agus Sgeiran Lois Mor, Lismore Island NW Strathclyde

Firth of Tay and Eden Estuary, Fife and Tayside

Mousa, Shetland

East Sanday, Orkney

SE Islay Skierries, W Strathclyde

Yell Sound, Shetland

**Approximately 4% of the World's population or 34% of the European sub species are found in Scotland.**

**Over 80% of the UK harbour seal population is found in Scotland.**

Harbour seal numbers have declined dramatically by over 50% in Shetland, Orkney and the east coast of Scotland since 2001, with a smaller decline in the Outer Hebrides, whilst on the west coast and Inner Hebrides numbers have remained relatively stable.

The cause/s of these declines are as yet unknown but are under investigation and conservation measures have been introduced.

Positions follow, -



## Annex Five

**N.B.** There has been great reluctance in government circles to separate common seal figures from the mainland coast and those of the west coast in general. We strongly feel that this reluctance has inflated the actual situation along the mainland coast populations the area of vital importance to the main thrust of Scotland's tourist industry. Calls for a Conservation Order for seals along this important stretch of coastline have been ignored.

Locations and positions where available. These positions have been derived from information collected from numerous sources: scientific survey, professional tour boat operators, and members of the general public.

(Key: Lat. D = Degrees N; Lat. M = Minutes N; Lat. S = Seconds N, the same applies to Long. = Longitude W)

Name	Lat. D	Lat. M	Lat. S	Long. D	Long. M	Long. S
Calve Island	56	37	39	6	2	75
Calve Island	56	37	29	6	2	89
Eilean Rubha an Ridre	56	30	33	5	41	95
Islands and skerries	56	30	5	5	41	64
Glass Eilean	56	29	80	5	42	81
Scallastle	56	29	48	5	43	40
Rubha Cronn	56	29	37	5	35	71
Bernera Island	56	29	51	5	34	95
Bernera Isle North	56	29	91	5	34	50
Lady Rock	56	26	94	5	36	98
Loch Donn	56	25	65	5	38	70
Grass Point	56	24	90	5	39	10
Eilean Gamnha ( Kerrera )	56	24	99	5	39	10
Sgeir Dhonn	56	25	21	5	31	32
Ottir Mhor	56	24	93	5	31	56
Cutter Rock	56	22	79	5	32	28
Rubh Garbh Ard (West Ardmucknish )	56	28	46	5	27	55
Eilean Beag	56	27	67	5	25	61
Sgeir an Eitich ( Ganavan )	56	26	23	5	25	61
Drying Rock	56	26	16	5	28	74
Glas Eilean	56	32	10	5	25	68
Dearg Sgeir	56	32	23	5	23	64
Rubha na h'Airde	55	59	13	5	41	9
Achnamara	56	1	17	5	34	76
Sgeirean a'Mhain	55	58	34	5	38	84
Sgeir nan Ron	55	58	40	5	38	17
	56	8	0	5	41	38
Gills Bay	58	38	4	3	9	5

Sound of Barra	57	2	0	7	22	0
Mignish Point to Ardbeg	57	27	0	6	36	0
Isay	57	31		6	49	
Clett	57	31	0	6	28	
Mingay	57	31	5	6	38	5
Sound of Harris	57	43		7	77	
Kerrera						
Eilean nan Gamhna	56	24	8	5	32	2
Eilean nan Van	56	24	9	5	31	6
Sgeir Dhonn	56	25	2	5	31	3
Sgeir Dhonn	56	22	8	5	32	3
Etive						
Sgeirean Inverliver	56	28	5	5	21	5
Kilmaronag Narrows	56	27	5	5	21	5
Creran						
Glas Eilean	56	32	1	5	25	8
Bearg Sgeir	56	32	2	5	25	2
Glaceriska Bay	56	32	8	5	23	65
	56	32	2	5	23	8
Sgeir Caillich	56	31	4	5	23	8
Lismore						
Sgeir nan Gael	56	27	28	5	36	29
Achadun Bay	56	29	8		34	
Eilean loch Osgair	56	33	1	5	28	7
Eilean nam Ban	56	33	6	5	28	
Eilean nan Corach	56	33	9	5	25	2
Sound of Mull South						
Loch Don	56	25	4	5	39	5
Eilean a Mhadaidh	56	26	6	5	38	8
Eilean Rubhaan Ridire	56	29	8	5	42	8
Reefs to Scallastle Point	56	29	4	5	43	1
Garvellachs						
Eileach an Naoimh	56	14		5	47	8
Sgeirean Dubh	56	13		5	48	5
A Chuli	56	14	4	5	47	7
Dun Chonnuill	56	15		5	44	7
Garbh Eileach	56	14	6	5	45	8
Black Isles						
Eilean Dubh Mor	56	13	8	5	43	
Insh Is	56	18	7	5	40	
Cuan Sound						
N Torsa Beag W Torsa	56	15	5	5	37	3
Iona						
soa Is	56	17	2	6	27	4
Sound of Mull						
Sgeir nan Gohar	56	29	5	6	43	5
Calve Is						



Jura						
Aird of Kinvach drachd	56	76		5	47	
Sound of Jura						
Reisa Mhic Phaidean	56	8	7	5	7	5
Barrnacarry Bay	56	20	8	5	32	6
Insh Is	56	19	2	5	40	
Islay						
Ardmore Is	55	39		6	5	
Tesea						
Treshnish Isles						
Lunga	56	30		6	25	
Fladda						
Ulva	56	28		6	14	
Black Rock	56	45	3	5	11	7
Sgeir a' Bhodaich SE of Cuan Sound	56	15	27	5	37	41
Luing						
An Cleiteadh SE of Cuan Sound Luing	56	15	27	5	37	41
Sgeir Criaraidh E shore Luing	56	14	12	5	37	11
Port a' Chreagain N of Toberonochy	56	13	19	5	37	42
Luing						
Sgeir na Cusha S of Cullipool Luing	56	14	3	5	39	58
Sgeirean a' Mhaoil E Scarba	56	10	60	5	40	35
Eilean nan Caorach	56	34		5	25	2
Fith of Clyde						
Eilean Aoghainn	56	6		5	14	
Liath Eiean	56			5	23	
Eilean Mor	56			5	23	8
Otter Spit	56	8		5	20	5
Burnt Is	55	55	5	5	10	5
Inchmarnoch Is N	55	48		5	9	5
Inchmarnoch Sound	55	47		5	7	
Arran						
Linne Croulin	57	12		5	52	
Eil Dubha Kyle Akin	57	16	6	5	42	4
Kyle Rhea	57	14	5	5	39	5
Loch Alsh	57	14	5	5	39	5
Shiant Is	57	55				
Heisker or Monach Is	57	30		7	40	
Summer Isles	58			5	30	
Pladda Is	55	25		5	6	
Holy Is South	55	30		5	5	
Clauchlans Point (Hamilton rock)	55	34		5	5	
Cladach to Corrie	55	36		5	7	
Kildonan Point to Brennan Head	55	25		5	8	
Ailsa Craig	55	15		5	7	
Lady Is	55	31		5	44	
Fast Castle	55	56	11	2	14	1

St Abbs Head Coastline (John Muir Country Park to Burnmouth)	55	55	4	2	8	34
Siccar Point						
South Carrs						
North Carrs						
Mudge						
Hurkers Rocks						
Half tide Rocks						
Black Carr						
Scart Rocks						
Peterhead (Skerry rock to Boddam)	57	29	58	1	46	35
Sanda	55	17		5	37	
Rubha' na Lice	55	18		5	48	
Johnstone's Point to Pollywilline Bay	55	21		5	32	5
Kinuachdrachd, Jura	56	8		5	41	



## Racu O (Oana)

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**From:** Mark Carter <mcbt.carter@btinternet.com>  
**Sent:** 21 June 2011 22:48  
**To:** Seal Haul-Out Consultation mailbox  
**Cc:** Kelly S (Samantha); Callan Duck; Walker IW (Ian); Kent A (Andrew)  
**Subject:** another update

Last minute rush!

Please add these in to the consultation.

Aberdour beach in fife i have seen seals with there pups, I believe there are a lot of places in the firth of forth that they haul out

Fife coast; definitely Seafield and Ravenscraig beaches in Kirkcaldy.

It might be worth noting that public condemnation is growing: All stating that when a seal is hauled out it should be protected; designated.

This might be worth revisiting this section of "designation", as I don't believe the problem is going away. One person likened it to the First Nations and the diminishing reservations; 50% now and smaller and smaller!

Regards, Mark

Mark Carter  
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## Racu O (Oana)

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**From:** Mark Carter <mcbt.carter@btinternet.com>  
**Sent:** 27 June 2011 11:21  
**To:** Seal Haul-Out Consultation mailbox  
**Cc:** Callan Duck; Kelly S (Samantha); Walker IW (Ian); Kent A (Andrew)  
**Importance:** High

Dear All,

I fully understand that the seal haul out consultation dead line has passed but a former local fisherman, now wildlife tour boat operator made the effort to deliver haul out coordinates by hand to my home (no mean feat in itself, ten miles down a single track road).

Many of the positions given have already been included in our earlier submission, but due to the efforts of this local whose livelihood depends upon seals and tourism please could you add these two extra positions:

Loch Creran, SW of Creagan Bridge 56°32'·7N 005°18'W

And

Ardencaple Bay, islands and reefs 56°18'·5N 005°35'W

Regards, Mark

Mark Carter  
Marine Concern  
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Email: [mc@marineconcern.com](mailto:mc@marineconcern.com)  
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From: [Name]
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To: [List of recipients]
Subject: [Subject]

I fully understand that the seal had not been put on the seal but a former local resident...
now with the local authority needs the effort to deliver food out of the area to my home (no
mean, just a small, but it's a single track road).

Many of the positions given have already been included in our earlier submission, but due to the efforts of
the local whose involvement depends upon seal and tourism please could you add these two extra
positions

Local Council: [Address]
And

Admission: [Address]

Page 2 of 2

Local Council: [Address]
Admission: [Address]

From: [Name]
Web: [Website]

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