

CONSULTATION QUESTIONS

General questions

Question 1: Do you consider that the overall number of seal haul out sites proposed at national/regional/local level represent a reasonable balance between seal conservation and other sustainable activities around the Scottish coastline? **NO**

Any coastal activity which involves the harassment of native seals in their natural habitat is, by definition, not sustainable. The intention of s. 117 was a welfare measure, and not a 'management tool'. There was never any intention by MSPs (according to Elaine Murray, MSP for Dumfriesshire) to limit the number of sites when the new Act was formulated – the measure was intended to protect the welfare of *all* seals at their onshore resting, breeding and moulting sites.

Question 2: Do you consider that additional sites should be included at national/regional/local level and, if so, why, how many additional sites and which sites? **YES**

All places where seals are known to give birth, nurse and chaperone pups, moult or rest should be included. Information on the location and approximate numbers of most grey seal pupping and sites in Scotland is available from SMRU annual surveys and *all* of these sites should be included. At present the Scottish Government has no information on common seal pupping sites in Scotland outside the Moray Firth (the SMRU helicopter surveys are carried out during the moulting season. Common seal pupping sites are not always the same as moulting sites). Since a decision was made by the Scottish Government to identify and inventory sites before affording seals protection against harassment, a survey of common seal pupping sites around Scotland should be commissioned by the Government, and all pupping sites identified and then immediately included in the protected list. For welfare and ethical reasons it can never be acceptable to harass seals at any haul-out sites, and pupping sites in particular should be fully protected.

Question 3: Do you consider that fewer sites should be included at national/regional/local level and, if so, why, how many fewer sites and which sites? **NO**

Reducing the number of sites would be an even more unacceptable implementation of s. 117 than the present number of sites.

Question 4: Do you agree that existing Special Areas of Conservation for seals should be added to the list of seal haul out sites being considered for possible designation? **YES**

Of course all seal haul-out areas within seal SACs should be protected against harassment!

Question 5: Do you consider that particular national or regional level activities might represent a potential risk of harassment to seals on haul out sites in general? **POSSIBLY**

I cannot at the moment think of any national/regional activities that would cause a risk of potential harassment to seals on haul-out sites in general, except possibly the commissioning of boats with ducted propellers to operate in shallow coastal waters in the vicinity of seal haul-outs. This type of boat has been confirmed by SMRU to be responsible for killing significant numbers of seals, mainly common seals. These boats may be commissioned by national or regional bodies servicing wind-farms, lighthouses, offshore

installations etc. Now that the damage caused by this type of boat is understood, their deployment in seal coastal habitat in the vicinity of designated sites might be considered a potential risk of harassment to seals hauled out there, since the seals may be killed on re-entering the water.

Question 6: Do you consider that particular local activities might represent a potential risk of harassment to seals on particular haul out sites included on the list? **YES**

Fish farmers, salmon netsmen or anglers may deliberately harass seals at haul-out or breeding sites. We do not have information on which of the currently listed sites are near fish farms or netting stations, nor which haul-out sites *not* listed may be near fish farms or netting stations. It is therefore essential the Government ensures that *all* seal sites near salmon nets or fish farms are included in the list and are legally protected against harassment.

Recreational or industrial craft (including yachts, speed boats, jet-skis, surf boards, canoes, kayaks, fishing or lobster boats, boats with ducted propellers), bait diggers, shell-fish or seaweed collectors, photographers, walkers or tourists may, sometimes unwittingly, cause harassment, and this may occur at some of the sites listed and at sites not so far listed. In such instances we would suggest that the intention of implementing the law would *not* be to prosecute, but to promote education measures. It is well known to seal biologists, but possibly not to the general public, that disturbance at breeding colonies may result in disruption of the mother-pup bond, reduced nursing, separation of pups from their mothers and, in some cases, orphaning and death of the pup. Education measures could include placing signs or distributing explanatory brochures explaining the dangers and warning people to keep at a given distance (eg at least 200m) from seals. 200m is an approximate distance less than which a direct, insensitive or undisguised approach causes most seals on haul-out sites to start showing behaviour indicating agitation and imminent return to the water.

Question 7: Do you have any views on whether the boundaries of particular haul out sites included on the list might be revised? **YES**

Boundary revision would suggest the present existence of boundaries – these do not seem to be clear from the Consultation site. However, I would recommend that a particular distance (at least 200m) around the low water limits of an actual rock, beach or island haul-out site should be considered a haul-out site boundary. It is possibly not widely known that mothers spend much time chaperoning their pups in the very shallow water surrounding their haul-out site. Juveniles, and adults in the mating season, also use these shallow areas surrounding haul-out sites to play and to display to animals on the rock or beach. Such a boundary would (i) give guidance to people on how to avoid causing repeated disturbance/harassment by staying outside the 200m boundary, and (ii) would also protect seals, especially mothers and pups, from water craft in the shallow water immediately surrounding the haul-out site.

Equality assessment

The Scottish Government must ensure that any policies that it implements do not unduly discriminate against persons defined by age, gender, disability, sexual orientation, race and religion and belief. We would welcome your views on whether you believe that any of the propositions set out in this consultation paper will unduly impact on any of these groups mentioned.

NO COMMENT