

Marine Scotland

Seal Haul-Out Sites
Consultation

Seal Haul-Out Sites Consultation

1. Summary Report

The purpose of the consultation process was to obtain stakeholders views and their comments on the list of potential haul-out sites at national, regional and local levels.

Marine Scotland received 55 Consultation responses and all have now been considered and analysed. The replies have been separated into five groups and consist of views and comments from 13 NGO's, 9 local (tourism) businesses, 8 other industries that operate in the coastal areas, 18 individuals and 7 responses came from other governmental departments or conservation agencies (see Table.1 & Fig.1 attached below).

The majority of replies (76%) were supportive of the overall proposals at national/regional/local level, 2% were neutral, 9% wanted fewer sites and 13% were against the proposals (see Fig. 2a & 2b).

A number of NGO's and individuals suggested additional sites be included and a few responders wanted all haul-out sites be protected. It would be impossible to designate all areas where seals haul-out because these depend entirely on the behaviour of individual seals. Marine Scotland aims to nominate and protect those sites which offer an optimum balance between maximising protection for the largest number of seals while minimising possible impacts on other sustainable activities around the coast.

In response, Marine Scotland asked SMRU to undertake a review of all sites on the original list and as a result the total numbers of sites was increased from 146 to 194 and a number of individual sites were enlarged or expanded. **It is important to point out that the final list of designated sites will be open to periodical review.**

A number of small NGO's considered that the proposed legislation did not offer sufficient protection to seal breeding sites. In response, Marine Scotland asked SMRU to respond to these comments and as a result 45 specific **breeding sites** have been added.

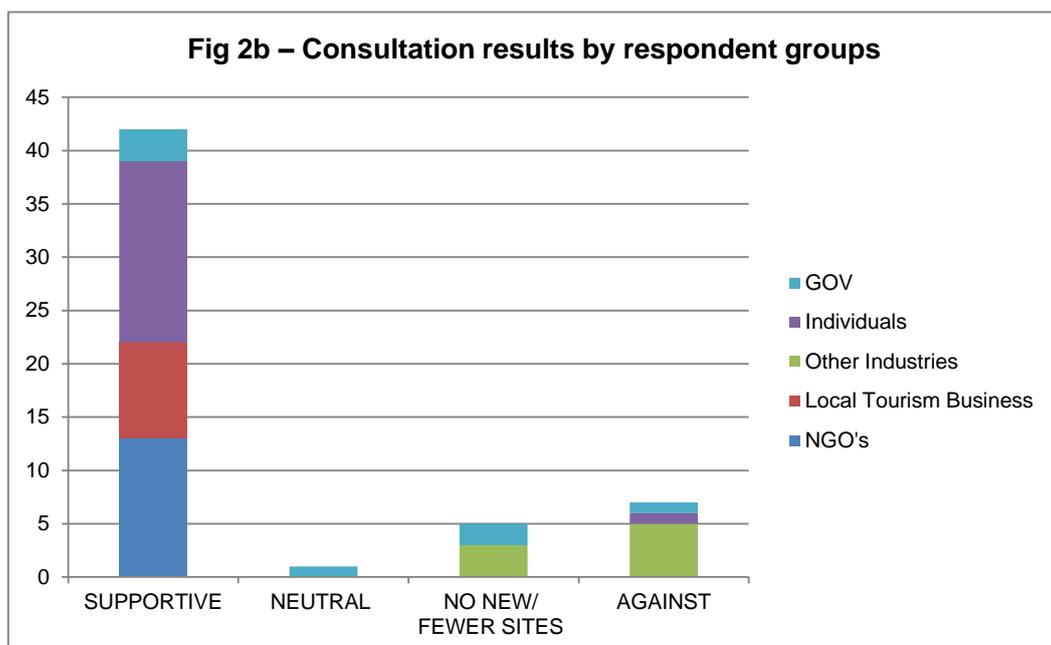
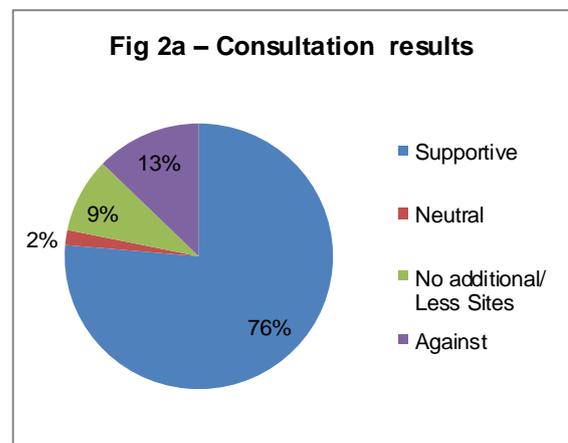
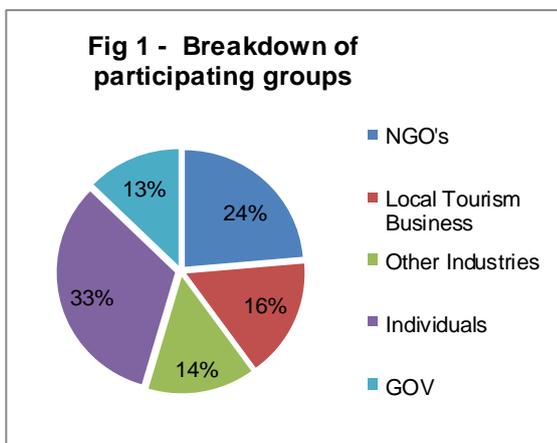
A clear definition of '**harassment**' was sought by the majority of respondents. A number of industries raised concerns that their activities around haul-out sites boundaries might be limited in the absence of clarity about what constituted harassment. In response, Marine Scotland has produced guidance which offers a definition of harassment and some examples of actions that might constitute harassment.

A number of organisations considered that greater protection was necessary in areas of declining numbers of seals. In response, Marine Scotland has asked SMRU to ensure that between 66% and 100% of the common seal population are covered in Shetland, Orkney, Western Isles, Moray Firth and East Coast where numbers are declining.

1a. Tables and Figures

Group	Supportive	Neutral	No new/ Fewer Sites	Against Proposed Sites	
NGO's	13				
Local Tourism	9				
Other Industries			3	5	
Individuals	17			1	
GOV	3	1	2	1	
Total	42	1	5	7	55

Table 1 – Number of stakeholders involved in the Consultation



2. Questionnaire results

The majority of responses (76%) were supportive of the proposals but there was some disagreement between NGO's and some local developers over whether more or less sites were preferred.

Question One

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?

67% replied that more sites should be designated and a proportion of these felt all haul-out sites should be designated, giving protection to all seals when ashore. 24% of respondents (majority industries around the coast) stressed that the proposal might negatively impact on their activity and considered that fewer sites should be designated.

Group	Content	More Sites	Fewer Sites
NGO	1	12	-
Local Tourism	-	9	-
Other (coastal) Industries	-	-	8
Individuals	2	14	1
GOV	2	1	4
Total %	9 %	67 %	24 %

Question Two

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?

Group	Yes	No	N/A (not answered)
NGO	7	1	5
Local Tourism	9	-	-
Other (coastal) Industries	-	5	3
Individuals	11	1	6
GOV	1	2	4
Total %	51 %	16 %	33 %

51% of respondents actually suggested additional sites for inclusion in the list. The suggested sites were considered by SMRU during a review but many failed to satisfy their criteria.

Question Three

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?

Group	Yes	No	N/A
NGO		12	1
Local Tourism		9	-
Other (coastal) Industries	6		2
Individuals	1	15	2
GOV		3	4
Total %	13%	71%	16%

71% were against reducing the number of sites, however some local coastal industries suggested that particular sites be excluded unless a clear definition of 'harassment' was provided. In response to their views Marine Scotland drafted guidance on harassment which will be available on Marine Scotland website. The sites suggested for exclusion were considered by SMRU during the review but fully met their criteria and were retained.

Question Four

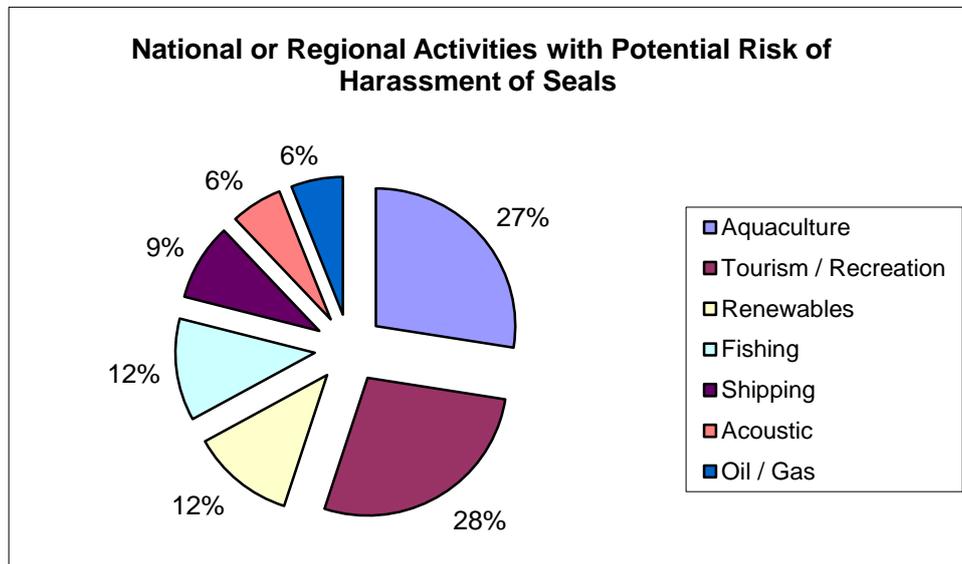
Do you agree that existing Special Areas of Conservation (SACs) for seals should be added to the list of seal haul-out sites being considered for possible designation?

Group	Yes	No	N/A
NGO	8		-
Local Tourism	1		-
Other (coastal) Industries		2	-
Individuals	5	2	-
GOV	4		-
Total %	33%	7%	-

A significant proportion (60%) of respondents did not answer this question and their comments suggest this is due to the lack of understanding about the differences between SACs and seal haul-out sites. In light of this limited response Marine Scotland has decided not to include existing SAC's which already have their own higher levels of protection.

Question Five

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?



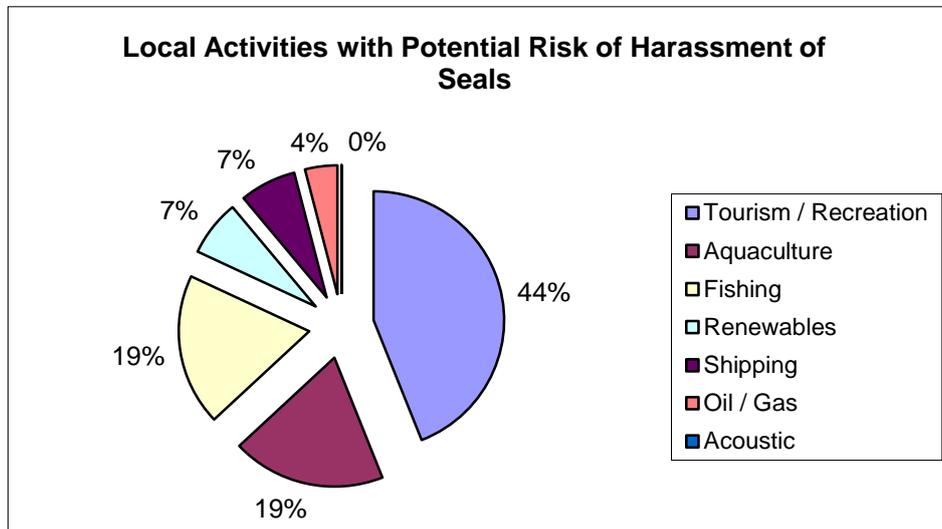
This chart represents the views of 65% of questionnaire respondents, who consider certain activities might represent a risk of harassment to seals at a national level (subject to a definition of harassment). Some local industries pointed out that mitigation measures might potentially reduce the risk of harassment in many circumstances.

The main concerns were the potential risks from aquaculture and, rather surprisingly, tourism and recreation.

Note:- unusual seal mortalities are included under shipping.

Question Six

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?



This chart represents the views of 65% of questionnaire respondents, who consider certain activities might represent a risk of harassment to seals at a local level. Once again a few local industries pointed out that mitigation measures might potentially reduce the risk of harassment in many circumstances.

The overriding concern was the risk represented by tourism and recreation to local seal populations, including wildlife watching tours and yachting and kayaking.

Note:- unusual seal mortalities are included under shipping.

Question Seven

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

Group	Yes	No	N/A
NGO	9	2	-
Local Tourism	1		-
Other (coastal) Industries	4	2	-
Individuals	4	1	-
GOV		1	-
Total %	33%	11%	-

Only 44% responded to this question, however the majority requested the site boundaries should be reviewed on a regular basis and some even suggested boundaries be adjusted in various areas. The suggested boundaries were considered by SMRU during the review against their criteria.

3. Themes and Comments

3a. Predictably there were differing views on the protection of seal haul-out sites between NGO's, some members of the public and different small coastal (tourism) businesses.

- There is universal support for the establishment of designated haul-out sites. 51% of responders wanted more sites and 24% wanted every haul-out site designated to allow complete protection of seals on land.
- Some NGOs and individuals expressed concern about the selection process might limit protection to 50% or less seals.¹
- Some suggested that protection be extended to seals in adjacent waters in order to allow safe access to and from sites.
- The designated site boundaries are not defined as the minimum distance of possible harassment sources and clarification is sought. Comments express concern that harassment, in the form of noise for example, can originate from vessels or machinery a considerable distance from the boundaries and this legislation does not take such circumstances into consideration.

“The harassment of seals at their haul-out sites could not be seen as sustainable and should not be permitted anywhere.”

OneKind

“All places where seals are known to give birth, nurse and chaperone pups, moult or rest should be included.”

Seal Conservation Society

“The proposal rationale of designating the larger seal haul out sites to encompass 50% of the populations reminds me of the native American Indian tribes being forced into smaller and smaller reservations.”

Peter Lamont

¹ The revised Consultation lists the haul-out sites by area and gives between 66% and 100% of the common seal population added protection in Shetland, Orkney, Western Isles, Moray Firth and East Coast where numbers are declining. The 55% of overall Scottish population coverage refers to grey seals which are not suffering from worrying population decline.

3b. Industries operating in the coastal areas

The general response to the consultation from this group is negative.

- There are worries that further legislation will limit current and future marine development, whether in the field of aquaculture, fishing, renewable or oil and gas industries.
- The lack of a clear 'harassment' definition is of importance as many respondents are unclear as to how their industry will be affected by the designation of haul-out sites in close proximity to operations. The SFF and MyGen would also like a clear definition of the management measures that will be taken for the sites.
- The various industries' replies acknowledge their awareness of the potential risk of seal harassment but list examples of the compromises that have already been made in order to reduce that risk. With these evasive measures already taken the two major representatives of the aquaculture industry, Marine Harvest Ltd. and the Scottish Salmon Producers' Organisation consider the status quo more than adequate.
- The fishing and aquaculture industries suggest that the increasing grey seal numbers threaten both wild fish and farm fish populations and further protection of a top predator is potentially damaging to their livelihoods.
- The Shetland council lists twelve sites that are in the vicinity of current commercial ventures and states these sites are active despite the movement and noise around them. In these cases seal populations have habituated to the activity around them and the council worries that these activities would be limited in the future should Marine Scotland consider them harassment.
- Forth Ports PLC is concerned that should entire SACs be considered for haul out designation intertidal areas within them where seals do not haul out would be lost as a resource for future coastal development and activities.²
- The SFF believes any aggregation of seals in an area is enough to deter fishing activities thus negating any further need of protection of the seals.

"The number of haul-out sites proposed in the consultation will have a significant impact on the Scottish Government's ability to reach its target of 100% electricity generated from renewable sources by 2020."

MyGen Ltd, Renewables Sector

"The grey seal population in particular has increased massively over the last 10 years. Seals prey on wild fish such as juvenile white fish, sea trout and salmon."

² A letter has been sent to Forth Ports PLC to explain that SACs already carry a higher level of protection than the proposed haul-out sites.

Designating 50% of the grey seal haul outs is not going to help protect wild salmon, a species also designated as requiring protection under legislation.”

Scottish Salmon Producers Organisation, Aquaculture Sector

“A common sense approach would be to give a presumption in favour of any existing activity to continue rather than be denied access on some spurious notion of protecting seals from harassment.”

Scottish Fishermen’s Federation



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