

# 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?

Comments I consider is doesn't make good sense nor represent practical management to define only a subset of haulout locations for protection under the Marine Scotland Act. In the first place this clearly does not to represent the intention or spirit of the Act. If it is decided that the level of protection provided in the act is too onerous then the legislation should be amended to provide the appropriate level of protection to all sites. Secondly, haulouts are collections of animals not geographical locations and we know that the locations that haulouts occur at change both seasonally and between years. I suspect that the current maps of haulout sites are already unrepresentative because most of the data they use are collected during a few weeks in summer when common seals are moulting. On top of any seasonal variation there are likely to be longer term differences reflecting changes in the marine ecosystem, especially at a time of accelerated climate change. To be useful or management then, the list of protected sites will need change seasonally and to be completely reviewed every few years.

An alternative might be to attempt to protect sites in areas where disturbance is likely to be high. I don't think we have data for this, and any patterns of human disturbance is also likely to be dynamic.

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?

Comments As stated above, I consider the whole concept to be ill considered and the only logical position to be for seals at all sites to enjoy equal protection, including from disturbance.

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?

Comments NO

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?

Comments Yes

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?

Comments I trust so. If not then the legislation is totally redundant

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?

Comments I trust so. If not then the legislation is totally redundant

Ques

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

Comments Notwithstanding my fundamental concerns above I consider the boundaries to be much to small to be practical leaving open legal argument about whether an offence was just in or just out of the specified area. The seal's behaviour defines the haulout site quite specifically so any specified areas can be generous as the protection would apply only to seals at the haulout sites within these larger areas. It should also be made clear that the offence occurs if the animal is in the site. The perpetrator could be some distance from it. In the case of an activity such as seismic survey or pile driving this could certainly be several tens of kms.

#### 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.

Comments No it won't