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Department for Environment, Food and Rural Affairs

*By email*

31 July 2020

Dear Carlo,

**Amendment of Conservation of Seals Act: Link response**

On 24 July Defra issued a call for information with regard to possible amendments of the Conservation of Seals Act 1970, to ensure the compliance with the USA's Marine Mammal Protection Act (MMPA). Whilst the first question in the call out is directed at fishing businesses only, we wish to provide evidence in response to the second question:

***Are you aware of other actions that you can take to minimise interaction between marine mammals and your fishing gear?***

It is important to highlight that extensive non-lethal seal deterrent options exist, and have recently (2018) been found to be viable by the Marine Management Organisation (MMO).

The MMO assessment found "*evidence that certain aspects of operational fishing controlled by fishermen, can affect the level of depredation*". In particular the following actions showed potential to reduce seal interactions:

- *set nets away from known locations of seals*
- *increase net depth*
- *increase haul speeds*
- *reduce soak times*
- *reduce amount of gear deployed/reduce haul sequences where possible*
- *set nets overnight*
- *target less active foraging periods in the season<sup>1</sup>*

Acoustic Deterrent Devices (ADD), and their potential to deter seals, were also assessed, with the paper concluding that "*ADDs that elicit startle responses, with low frequencies, low duty cycles and sharp rise times seem to be a promising type of ADD. They also limit noise impacts to seals and non-target species and the surrounding marine environment.*"

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[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/753773/Report - Assessing non-lethal seal deterrent options literature and data review.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/753773/Report_-_Assessing_non-lethal_seal_deterrent_options_literature_and_data_review.pdf)

These findings on ADDs reflect those reported in a 2010 paper from the Scottish Aquaculture Research Forum, looking at the impact of ADDs. The paper highlighted a number of porpoise specific case studies showing that:

- *Porpoises avoid areas where ADDs are active.*
- *Porpoises return to areas almost immediately after ADDs are switched off*<sup>2</sup>

Whilst case studies about seal impacts were more limited, the paper reported that “ADDs appear useful in some cases”.

This constitutes clear evidence that non-lethal methods of minimising interaction marine mammals can be effective. However ADD use and impacts upon non-target species requires further study, improved monitoring and regulatory strategies.

The case for these non-lethal methods is bolstered by emerging evidence of the negative impacts of shooting on seal welfare. A 2016 study of seal shooting in Scotland found evidence of seals not dying instantly, and of seals shot during their lactation periods when pups are dependent on their mothers, raising ‘significant welfare concerns’<sup>3</sup>.

Public opinion on these animal welfare issues is clear – people do not want to see seals suffering and being killed in the name of commercial fishing<sup>4</sup>. The ‘netsman’s defence’ is no longer defensible. Indeed, it is important to highlight that many people enjoy seeing seals in the wild, some even travelling many miles to find them and paying fees to be taken out in boats to view seal rookeries. Seals are an asset to the tourism industry and, as our most accessible sea mammal, can help inspire, inform and educate people about the marine environment.

We would therefore suggest that the trading imperative to amend the Conservation of Seals Act to end seal shooting in English waters is strengthened by a clear animal welfare case, and the existence of viable non-lethal methods of seal deterrence. England should follow the lead of Scotland and end seal shooting for the purpose of fishery protection.

Yours sincerely,



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<sup>2</sup> <http://www.sarf.org.uk/cms-assets/documents/28820-18834.sarf044---final-report.pdf>

<sup>3</sup> <https://www.frontiersin.org/articles/10.3389/fmars.2016.00142/full>

<sup>4</sup> <http://www.protectourseals.org.uk/news/2009/22-07-09.shtml>

The short turn-around on this consultation and ongoing issues resulting from Covid-19, mean that some of the relevant officers of Link organisations interested in seal conservation and welfare are not currently at their desks and able to respond at this time, but we believe that the views expressed here represent our wider community. This Link letter is directly supported by:

