

**Doc. No. 1 / A42380566**

FYI

**From:** Palmer MR (Mike) <[Mike.Palmer@gov.scot](mailto:Mike.Palmer@gov.scot)>

**Sent:** 17 October 2022 14:36

**To:** [Redacted] <[\[Redacted\]@gov.scot](mailto:[Redacted]@gov.scot)>; [Redacted]

[Redacted] <[\[Redacted\]@scottishseafarms.com](mailto:[Redacted]@scottishseafarms.com)>; Voas S (Sheila)

<[Sheila.Voas@gov.scot](mailto:Sheila.Voas@gov.scot)>; [Redacted] <[\[Redacted\]@apha.gov.uk](mailto:[Redacted]@apha.gov.uk)>

**Cc:** [Redacted] <[\[Redacted\]@gov.scot](mailto:[Redacted]@gov.scot)>; Pentland MK

(Malcolm) <[Malcolm.Pentland@gov.scot](mailto:Malcolm.Pentland@gov.scot)>; [Redacted] <[\[Redacted\]@gov.scot](mailto:[Redacted]@gov.scot)>;

[Redacted] <[\[Redacted\]@gov.scot](mailto:[Redacted]@gov.scot)>; [Redacted] <[\[Redacted\]@gov.scot](mailto:[Redacted]@gov.scot)>

**Subject:** RE: Formal Notification - Section 108(1) Marine Scotland Act 2010

[Redacted]  
Hi

Many thanks for the notification. To clarify the change in policy responsibilities (with apologies for not informing you previously), our marine conservation work in relation to species (along with a number of other functions, including work on MPAs, HPMAs and marine litter) has now passed to [Redacted] division, which now covers these functions alongside sea fisheries policy.

If you receive this email late at night, early in the morning, or at the weekend - it means I am working flexibly. Flexibility works for me, but please do not feel that you should have to pick this up outside of your own normal working hours.

**Mike Palmer**

**Deputy Director for Marine Planning and Policy**

**marinescotland**

Scottish Government | Area GB-South | Victoria Quay | Edinburgh EH6 6QQ

[Redacted]

email: [mike.palmer@gov.scot](mailto:mike.palmer@gov.scot)

w: <http://www.gov.scot/marinescotland>

**From:** [Redacted] <[\[Redacted\]@gov.scot](mailto:[Redacted]@gov.scot)>

**Sent:** 14 October 2022 16:04

**To:** [Redacted] <[\[Redacted\]@scottishseafarms.com](mailto:[Redacted]@scottishseafarms.com)>; Palmer MR (Mike)

<[Mike.Palmer@gov.scot](mailto:Mike.Palmer@gov.scot)>; Voas S (Sheila) <[Sheila.Voas@gov.scot](mailto:Sheila.Voas@gov.scot)>; [Redacted]

[Redacted] <[\[Redacted\]@apha.gov.uk](mailto:[Redacted]@apha.gov.uk)>

**Cc:** [Redacted] <[\[Redacted\]@gov.scot](mailto:[Redacted]@gov.scot)>; Pentland MK

(Malcolm) <[Malcolm.Pentland@gov.scot](mailto:Malcolm.Pentland@gov.scot)>; [Redacted] [@gov.scot](mailto:);  
[Redacted] [@gov.scot](mailto:); [Redacted] [@gov.scot](mailto:)

**Subject:** RE: Formal Notification - Section 108(1) Marine Scotland Act 2010

[Redacted]  
Thanks

Copying in [Redacted] given changes in policy responsibilities in Marine  
Scotland

Best wishes

[Redacted]

Marine Nature Enhancement Programme – Scottish Government  
[Redacted]

**From:** [Redacted] [@scottishseafarms.com](mailto:)

**Sent:** 14 October 2022 15:55

**To:** Palmer MR (Mike) <[Mike.Palmer@gov.scot](mailto:Mike.Palmer@gov.scot)>; Voas S (Sheila)  
<[Sheila.Voas@gov.scot](mailto:Sheila.Voas@gov.scot)>; [Redacted] [@apha.gov.uk](mailto:)

**Cc:** [Redacted] [@gov.scot](mailto:); [Redacted]  
[Redacted] [@gov.scot](mailto:); Pentland MK (Malcolm)

<[Malcolm.Pentland@gov.scot](mailto:Malcolm.Pentland@gov.scot)>

**Subject:** Formal Notification - Section 108(1) Marine Scotland Act 2010

Mike / Sheila [Redacted]

In accordance with Section 108 of the Marine Scotland Act 2010 I hereby notify that at approximately 1545 hours on 14 October 2022 a qualified holder of a firearms licence euthanized a seal at Wyre Marine Farm, Scapa Flow, Orkney. This action was undertaken in the presence of an independent qualified Veterinarian.

The action was instructed by Scottish Sea Farms following receipt of independent (external company) veterinary advice that to alleviate the suffering of the seal the correct action to take was to euthanize the animal.

This due to SSF having undertaken all actions such that the seal had a very good opportunity to exit a salmon farming pen on Friday 14<sup>th</sup> October and prior to that opportunity over lengthy periods during the previous days since the seal entered the pen adjacent to the handrail of the pen on Saturday 8 December.

I further advise that notification of APHA and Marine Scotland to discuss this matter was attempted on Thursday 13<sup>th</sup> October (voicemail) and that a brief discussion was held with the Chief Veterinary Officer on Thursday 13<sup>th</sup> October.

Please note that notification of this action will be made to Police Scotland.

Finally, for the purposes of notifications associated with Marine Scotland FHI function no holes of the net occurred post the entry of the seal into the pen and therefore no potential escape of fish has resulted from this event.

Should you require further details relating to this matter please do not hesitate to contact me.

Regards,

[Redacted]

[Redacted] **Scottish Sea Farms**  
Barcaldine Hatchery, Barcaldine, Oban, Argyll PA37 1SE  
[Redacted]

[scottishseafarms.com](http://scottishseafarms.com) | [Twitter](#) | [LinkedIn](#) | [Facebook](#) | [Instagram](#)



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[Scottish Sea Farms](http://scottishseafarms.com)



[Redacted]

W: <https://www.gov.scot/marine-and-fisheries/>

**From:** MS FishHealth

**Sent:** 23 March 2021 14:01

**To:** [Redacted]

[@griegseafood.com](mailto:@griegseafood.com)

**Subject:** RE: Removal of seal in salmon farm pen

[Redacted]

Hi

Thanks for providing the additional information, I passed your email on to senior colleagues and they have concluded that this is indeed sufficient information, so no need for an escapes notification.

The matter is now closed.

With regards

[Redacted]

Marine Scotland - Science

Scottish Government | Marine Laboratory | 375 Victoria Road | Aberdeen AB11 9DB

[Redacted]

W: <https://www.gov.scot/marine-and-fisheries/>

**From:** [Redacted]

[@griegseafood.com](mailto:@griegseafood.com)

**Sent:** 23 March 2021 11:09

**To:** MS FishHealth <[MS.FishHealth@gov.scot](mailto:MS.FishHealth@gov.scot)>

**Subject:** RE: Removal of seal in salmon farm pen

[Redacted]

Hi

I understand your question relative to (b).

In this situation the pen was under scrutiny from farm personnel with the condition of the net monitored throughout the incident. The seal itself was acting unusually, having gained access in a fashion that could not be replicated by the seal to exit the pen. It gained entry to the pen when it swam inside the new net which was being fitted to the outside of the old net. It did not tear its way into the net and made no attempt to tear the netting to exit. Greig personnel inspected the net/seal interaction throughout and undertook assessment of the net post release of the seal. I can confirm that no damage to the net occurred therefore the circumstances on the fish farm in this situation did not give rise to a significant risk of an escape of fish. The

fish were all removed from the pen prior to the net being dropped to allow the seal to exit so when the net was dropped there were no fish in the pen to escape.

Trust this information is sufficient to close this enquiry.

Best regards,

[Redacted]

Grieg Seafood Shetland Ltd.  
[Redacted]



ROOTED IN NATURE

**From:** [MS.FishHealth@gov.scot](mailto:MS.FishHealth@gov.scot) <[MS.FishHealth@gov.scot](mailto:MS.FishHealth@gov.scot)>  
**Sent:** 23 March 2021 09:34  
**To:** [Redacted] <[@griegseafood.com](mailto:@griegseafood.com)>  
**Subject:** RE: Removal of seal in salmon farm pen  
[Redacted]

Good morning

Thank you for providing the update, I'm glad to hear that the situation was resolved successfully. With regards to submitting an initial escapes notification, I discussed this with senior colleagues, would you be able to provide some further information to support the statement that *'there have been no suspected or actual escapes of fish from the pen'*.

The reporting requirements are for an operator of an APB to notify the circumstances on, or in the vicinity of, the fish farm which –

- (a) are believed by that person to have caused an escape of fish; or
- (b) gave rise to a significant risk of an escape of fish.

Given that you believe that no actual fish have escaped from the pen part (a) does not apply, however, a seal had been in the pen for some time, our experience of such situations is that damage eventually occurs to the net as the seal tries to exit, this would give rise to a significant risk of an escape of fish.

To allow us a better understanding of the situation and the seals behaviour could you provide some further information to confirm why the situation did not give rise to a significant risk of escape.

With regards

[Redacted]

Marine Scotland - Science

Scottish Government | Marine Laboratory | 375 Victoria Road | Aberdeen AB11 9DB

[Redacted]

W: <https://www.gov.scot/marine-and-fisheries/>

**From:** [Redacted] <[@griegseafood.com](mailto:@griegseafood.com)>  
**Sent:** 22 March 2021 10:06  
**To:** Marine Conservation <[Marine\\_Conservation@gov.scot](mailto:Marine_Conservation@gov.scot)>; MS FishHealth <[MS.FishHealth@gov.scot](mailto:MS.FishHealth@gov.scot)>  
**Subject:** RE: Removal of seal in salmon farm pen

Dear sir/madam,

I am writing to confirm that we managed to removed the seal from the pen on Saturday night by loading the salmon onto a wellboat and dropping the net and allowing the seal to swim free unharmed. The operation was successful and no salmon escaped at any point during the process.

Best regards,

[Redacted]

**From:** [Redacted]  
**Sent:** 19 March 2021 15:33  
**To:** [Marine\\_Conservation@gov.scot](mailto:Marine_Conservation@gov.scot)  
**Cc:** [MS.FishHealth@gov.scot](mailto:MS.FishHealth@gov.scot)  
**Subject:** FW: Removal of seal in salmon farm pen

Dear sir/madam,

At the advice of Marine Scotland Fish Health Inspectorate, I'm emailing you to let you know that during a net change on pen 5 at East of Papa Little (Lat 60.34473, Long -1.38143) we had an adult male grey seal gain access to our net yesterday (it swam into the new net which was put on around the old net, when the old net was removed it ended up inside the salmon net pen). The unit contains 56,000 salmon at 1.1kg weight. We have had seals enter net pens in the past and they have always left the same way they came in. In this case however the seal has not been able to get out in the same manner by which he has entered. We have dropped the

headline of our net as low as we dare, without risking losing salmon. Normally we would then expect the seal to slip over the top of the net and return to the sea but in this case the seal has not managed to do this. We have tried using a sweep net with grading panel (lets the salmon swim through the net but not the seal) to catch him but the seal has repeatedly burrowed under the net and this has proven unsuccessful. As a last resort we plan to bring in a wellboat tomorrow to pump the salmon out of the net which will then allow us to drop the net completely to free the seal. I'm hopeful this operation, while exceedingly expensive will be successful, however in the event that it is not I would be grateful if you have any advice as to how we should handle the matter. The seal is obviously very anxious but currently in good health. Our salmon are equally unsurprisingly extremely stressed by sharing their environment with their natural predator. So far over the two days the seal has killed an estimated 100 fish. I look forward to your advice at your earliest convenience. I'm sure you will understand that we are anxious for the sake of both the seal and our salmon to find a speedy solution to this problem.

Best regards,

[Redacted]

Grieg Seafood Shetland Ltd  
[Redacted]



ROOTED IN NATURE

**From:** [MS.FishHealth@gov.scot](mailto:MS.FishHealth@gov.scot) <[MS.FishHealth@gov.scot](mailto:MS.FishHealth@gov.scot)>

**Sent:** 19 March 2021 14:50

**To:** [Redacted] <[@griegseafood.com](mailto:@griegseafood.com)>

**Subject:** Removal of seal in salmon farm pen

[Redacted]  
Hi

Having discussed the matter of the seal trapped in the salmon farm pen with senior colleagues, we can advise that you should first contact the Scottish Government Nature Conservation group ([Marine\\_Conservation@gov.scot](mailto:Marine_Conservation@gov.scot)), giving as much information as possible - location of fish farm, fish farm company, exact location of seal and condition, circumstances surrounding the incident. They can then advise further.

Given current guidance, Marine Scotland Licensing Operations Team (MS-LOT) would not be able to grant a licence to shoot the seal.

If you wish to take this seal by other means you would need a licence and should contact MS-LOT ([Seal Licensing mailbox@gov.scot](mailto:Seal_Licensing_mailbox@gov.scot))

In addition, can you please submit an initial escape notification to the FHI, as although there has been no equipment damage at present, the presence of a seal in a pen does give rise to the risk of an escape occurring. A final notification could then be submitted once the seal has been removed and equipment checked to confirm if there has been any damage to equipment or not.

Notification forms can be found here <https://www.gov.scot/publications/what-to-do-in-the-event-of-a-fish-farm-escape/>

Please use the escape incident number MSe180321SAL1 and submit the completed notification form to [ms.fishhealth@gov.scot](mailto:ms.fishhealth@gov.scot)

Thanks

[Redacted]

Marine Scotland – Science

Scottish Government | Marine Laboratory | 375 Victoria Road | Aberdeen | AB11 9DB

[Redacted]

w: <http://www.gov.scot/Topics/marine>

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[Redacted] [@gov.scot](#); [Redacted] [@gov.scot](#);  
[Redacted] [@gov.scot](#); Palmer MR (Mike) <[Mike.Palmer@gov.scot](mailto:Mike.Palmer@gov.scot)> [Redacted]  
[Redacted] [@gov.scot](#); [Redacted] [@gov.scot](#); [Redacted]  
[Redacted] [@gov.scot](#)  
**Subject:** RE: SpAd View: The Ferret - Seal killing

We're putting it on our intelligence database this morning. As part of that process we can make sure it gets to the Police dedicated intelligence contact, rather than any generic email that the correspondents might initially have used.

[Redacted]

**From:** [Redacted] [@gov.scot](#)  
**Sent:** 02 June 2021 19:42  
**To:** [Redacted] [@gov.scot](#); [Redacted] [@gov.scot](#); [Redacted]  
[Redacted] [@gov.scot](#); [Redacted] [@gov.scot](#); [Redacted]  
[Redacted] [@gov.scot](#); [Redacted] [@gov.scot](#); [Redacted]  
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[Redacted] [@gov.scot](#); [Redacted] [@gov.scot](#); [Redacted]  
[Redacted] [@gov.scot](#); Palmer MR (Mike) <[Mike.Palmer@gov.scot](mailto:Mike.Palmer@gov.scot)> [Redacted]  
[Redacted] [@gov.scot](#); [Redacted] [@gov.scot](#); [Redacted]  
[Redacted] [@gov.scot](#)  
**Subject:** RE: SpAd View: The Ferret - Seal killing

**Thanks** [Redacted]

Are you able to check if Police Scotland have in fact received this complaint please. Just in case it hasn't reached them for some reason.

Best Wishes

[Redacted]

Marine Scotland – Marine Planning and Policy  
[Redacted]

**From:** [Redacted] [@gov.scot](#)  
**Date:** Wednesday, 02 Jun 2021, 5:49 pm  
**To:** [Redacted] [@gov.scot](#); [Redacted] [@gov.scot](#);  
[Redacted] [@gov.scot](#); [Redacted] [@gov.scot](#); [Redacted]  
[Redacted] [@gov.scot](#); [Redacted] [@gov.scot](#);  
[Redacted] [@gov.scot](#); [Redacted] [@gov.scot](#); [Redacted]  
[Redacted] [@gov.scot](#); [Redacted] [@gov.scot](#); [Redacted]

[Redacted] @gov.scot>, [Redacted] @gov.scot>,  
[Redacted] @gov.scot>, Palmer MR (Mike)  
<Mike.Palmer@gov.scot>, [Redacted] @gov.scot>, [Redacted]  
[Redacted] @gov.scot>, [Redacted] @gov.scot>  
**Subject:** RE: SpAd View: The Ferret - Seal killing

Thanks [Redacted]

I spoke with [Redacted] and we agree that as shooting seals for the protection of farmed fish is not a licensable activity then this is a police matter – it seems more like someone wandering about with a gun shooting things.

[Redacted]

**From:** [Redacted] @gov.scot>  
**Sent:** 02 June 2021 17:01  
**To:** [Redacted] @gov.scot>; [Redacted] @gov.scot>; [Redacted]  
[Redacted] @gov.scot>; Palmer MR (Mike) <Mike.Palmer@gov.scot> [Redacted]  
[Redacted]

**Subject:** RE: SpAd View: The Ferret - Seal killing

Hi [Redacted]

Sorry, never copied you in but did include some others in compliance.

Best Wishes

[Redacted]  
Marine Scotland – Marine Planning and Policy  
[Redacted]

**From:** [Redacted] @gov.scot>  
**Sent:** 02 June 2021 16:53  
**To:** [Redacted] @gov.scot>; [Redacted] @gov.scot>; [Redacted]  
[Redacted] @gov.scot>; Palmer MR (Mike) <Mike.Palmer@gov.scot> [Redacted]

[Redacted] @gov.scot>; [Redacted] @gov.scot>; [Redacted]  
[Redacted] @gov.scot>  
**Subject:** RE: SpAd View: The Ferret - Seal killing

I've had a look at our intelligence database and there's nothing recorded there, but I don't know who received the email of 24 May? I asked our area manager to see if they've heard anything but they haven't. That suggests to me that we're not investigating this event.

[Redacted]

**From:** [Redacted] @gov.scot>  
**Sent:** 02 June 2021 16:31  
**To:** [Redacted] @gov.scot>; [Redacted] @gov.scot>;  
[Redacted] @gov.scot>; [Redacted] @gov.scot>; [Redacted]  
[Redacted] @gov.scot>; [Redacted]  
[Redacted] @gov.scot>; [Redacted] @gov.scot>; [Redacted]  
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[Redacted] @gov.scot>; Palmer MR (Mike) <Mike.Palmer@gov.scot>; [Redacted]  
[Redacted] @gov.scot>; [Redacted] @gov.scot>; [Redacted]  
[Redacted] @gov.scot>; [Redacted] @gov.scot>  
**Subject:** RE: SpAd View: The Ferret - Seal killing

Colleagues,

Removing SpAd for the time being.

As per Leanne's email, can I ask if MS received the complaint? I presume this is a matter for Police Scotland rather than MS, but grateful if you could confirm if any investigation by MS has taken place. Are we aware of PS investigating?

[Redacted]

|

|

|

[Redacted]

Hi

Did we receive this complaint, and are MS investigating?

[Redacted]

[Redacted]

Thanks,

Leanne

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Bringing out of archive

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The move was to save Scotland's £180 million business exporting salmon to the US, which is [banning](#) imports from countries that allow seals to be killed to protect fisheries.

A copy of SSW's complaint about the alleged incident – which was sent to both [Police Scotland](#) and the [Scottish Government](#) – has been seen by The Ferret.

SSW asked for an investigation to be conducted. Its complaint said: "[Scottish Salmon Watch](#) would like to officially report the killing of a seal at a salmon farm on 17 March 2021. A baby pup was outside the cage and was not killed but presumably died since they became orphaned."

The report was submitted by SSW's director, Don Staniford. He said: "The killing of seals is morally bankrupt at the best of times. But to continue to slaughter seals illegally after the Scottish Government banned seal killing in January is abhorrent.

"Salmon farmers in Scotland have killed over 1,000 seals legally since official reporting began in 2011 but this is just the tip of the iceberg with illegal slaughter known to be widespread."

A Police Scotland spokesperson said: "We can confirm that a report has been received and the information is being assessed."

The Scottish Government said that following changes to the [Marine \(Scotland\) Act](#), ministers can no longer grant licences authorising the killing of seals for protecting farmed fish.

"This is therefore a matter for Police Scotland to investigate. Those found guilty of breaking the new laws could face a maximum penalty of five years' imprisonment, an unlimited fine, or both," a government spokesperson added.

In April, as [reported](#) by The Ferret, a £10,000 reward was put up for information on the illegal shooting of seals after SSW matched a £5,000 reward offered by Animal Concern. Both campaign groups fear illegal activity may continue, despite the ban. The reward will be paid out if information leads to a successful prosecution of a salmon farmer who kills a seal.

John Robins of [Animal Concern](#) said: "For forty years I have had a good relationship with many workers on salmon farms. People go to work on the farms under the false impression that the farms meet the mythical environmentally friendly image promoted by the owners and their very clever PR officers.

“When workers see the reality of salmon farming the only way they can do anything about it without losing their jobs is to tip-off organisations like ours.

The Ferret [reported](#) last year the number of seals shot by the fish farming industry doubled ahead of the ban, prompting fears of a “killing spree”. [Official figures](#) revealed salmon farmers killed 31 seals in the first three months of 2020, compared to 15 in the same period in 2019.

The Scottish Salmon Producers Association (SSPO) says that in 2018 more than [500,000](#) salmon were killed by seals and thousands more fish died of stress following attacks. Since 2011 the number of seals legally shot by the Scottish salmon sector went down by 73 per cent, the SSPO says.

Changes to the Marine Scotland Act 2010 came into force on 1 February 2021 and removed two reasons for which licences to kill seals could be granted – protecting the health and welfare of farmed fish and preventing serious damage to fisheries and fish farms.

From: [Redacted] [@gov.scot](#) On Behalf Of Cabinet Secretary for Rural Affairs and Islands

Sent: 03 June 2021 10:59

To: [Redacted] [@gov.scot](#); Cabinet Secretary for Rural Affairs and Islands

[Redacted] [@gov.scot](#)

Cc: [Redacted] [@gov.scot](#); [Redacted] [@gov.scot](#);

[Redacted] [@gov.scot](#); [Redacted] [@gov.scot](#); [Redacted]

[Redacted] [@gov.scot](#); [Redacted]

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[Redacted] [@gov.scot](#); [Redacted] [@gov.scot](#); [Redacted]

[Redacted] [@gov.scot](#); [Redacted] [@gov.scot](#); Dobson L (Leanne)

<[Leanne.Dobson@gov.scot](mailto:Leanne.Dobson@gov.scot)>; Ingebrigtsen R (Ross) <[Ross.Ingebrigtsen@gov.scot](mailto:Ross.Ingebrigtsen@gov.scot)>; Nicolson S

(Stuart) (Special Adviser) <[Stuart.Nicolson@gov.scot](mailto:Stuart.Nicolson@gov.scot)>

Subject: RE: For Clearance: The Ferret - Seal killing

[Redacted]

Ms Gougeon is content.

Thanks

[Redacted]

Cabinet Secretary for Rural Affairs and Islands

[Redacted]

St Andrews House

[Redacted]

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From: [Redacted]

[@gov.scot](mailto:)>

Sent: 03 June 2021 10:33

To: Cabinet Secretary for Rural Affairs and Islands <[CabSecRAI@gov.scot](mailto:CabSecRAI@gov.scot)>

Cc: [Redacted]

[@gov.scot](mailto:)>; [Redacted]

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[@gov.scot](mailto:)>; Palmer MR (Mike) <[Mike.Palmer@gov.scot](mailto:Mike.Palmer@gov.scot)>; [Redacted]

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[@gov.scot](mailto:)>; [Redacted]

[Redacted]

[@gov.scot](mailto:)>; [Redacted]

[@gov.scot](mailto:)>; Dobson L (Leanne)

<[Leanne.Dobson@gov.scot](mailto:Leanne.Dobson@gov.scot)>; Ingebrigtsen R (Ross) <[Ross.Ingebrigtsen@gov.scot](mailto:Ross.Ingebrigtsen@gov.scot)>; Nicolson S

(Stuart) (Special Adviser) <[Stuart.Nicolson@gov.scot](mailto:Stuart.Nicolson@gov.scot)>

Subject: For Clearance: The Ferret - Seal killing

Good morning,

We received a query regarding an alleged seal killing at a salmon farm.

Comms, policy and SpAds are content with the response below and I would be grateful for clearance.

Kind regards,

[Redacted]

[Redacted]

Communications: News (Environment, Climate Change and Energy)

[Redacted]

Scottish Government, St Andrew's House

[Redacted]

## **Proposed Response**

A spokesperson for the Scottish Government said:

“Following changes to the Marine (Scotland) Act coming into force this year, Scottish Ministers can no longer grant licences authorising the killing or taking of seals for the purpose of protecting the health and welfare of farmed fish and for preventing serious damage to fisheries and fish farms.

“This is therefore a matter for Police Scotland to investigate.

“Those found guilty of breaking the new laws could face a maximum penalty of five years’ imprisonment, an unlimited fine, or both.”

## **Original Query**

Further to my call, I'm writing a report for The Ferret website about an alleged incident in March involving a seal being shot at a fish farm in Loch Spelve.

Two organisations - Scottish Salmon Watch (SSW) and Animal Concern - have raised concerns over the alleged incident. On 24 May 2021 Scottish Salmon Watch sent a complaint to Police Scotland and copied Marine Scotland/Scottish Government.

SSW said in its complaint: "Scottish Salmon Watch would like to officially report the killing of a seal by Scottish Sea Farms (an RSPCA Assured salmon company) at their Loch Spelve salmon farm (a site supplying Marks & Spencer and currently accredited via RSPCA Assured) on 17 March 2021. This information has been passed on directly by a whistleblower who claims that the seal was shot and killed on 17 March 2021 inside a salmon cage at Loch Spelve. A baby pup was outside the cage and was not killed but presumably died since they became orphaned.

“In conclusion, therefore, it appears that Scottish Sea Farms (and perhaps other RSPCA Assured salmon farming companies) have continued killing seals after the ban on 31 January 2021. Scottish Salmon Watch therefore requests that the relevant authorities investigate whether Scottish Sea Farms killed a seal in Loch Spelve on 17 March 2021 and also failed to report the killing of a seal in Loch Spelve on 17 March 2021.”

Can you confirm please this complaint was received and does Marine Scotland plan to investigate, given the recent change in the law regarding the protection of seals? If any investigation has already taken place then please advise of the outcome.

I'd be grateful for a comment by 10am tomorrow. Thank you.

**Doc. No. 6 / A42439531**

Bringing out of archive

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

**From:** [Redacted] <[Redacted]@gov.scot>  
**Sent:** 02 June 2021 12:38  
**To:** [Redacted] <[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>  
**Cc:** [Redacted] <[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>;  
Director of Marine Scotland Mailbox <Directormarinescotland@gov.scot>; [Redacted] <[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>;  
[Redacted] <[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>;  
Communications Rural Economy & Environment <CommunicationsNetZero&RuralAffairs@gov.scot>;  
[Redacted] <[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>;  
[Redacted] <[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>;  
[Redacted] <[Redacted]@gov.scot>; Palmer MR (Mike) <Mike.Palmer@gov.scot>;  
[Redacted] <[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>

**Subject:** RE: Policy input: The Ferret - Seal killing

Copying in conservation colleagues – can you confirm that you'll pick this up?

[Redacted]

**From:** [Redacted] <[Redacted]@gov.scot>  
**Sent:** 02 June 2021 12:28  
**To:** [Redacted] <[Redacted]@gov.scot>  
**Cc:** [Redacted] <[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>;  
[Redacted] <[Redacted]@gov.scot>; Director of Marine Scotland Mailbox <Directormarinescotland@gov.scot>; [Redacted] <[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>;  
[Redacted] <[Redacted]@gov.scot>; Communications Rural Economy & Environment <CommunicationsNetZero&RuralAffairs@gov.scot>; [Redacted] <[Redacted]@gov.scot>;  
[Redacted] <[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>;  
[Redacted] <[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>;  
**Subject:** Policy input: The Ferret - Seal killing

Policy Colleagues,

The Ferret has submitted a query regarding an alleged incident of a seal being shot at fish farm at Loch Spelve.

[Redacted]

As per the query, can you please confirm the complaint was received?

Kind regards,

[Redacted]

### **Original Query**

Further to my call, I'm writing a report for The Ferret website about an alleged incident in March involving a seal being shot at a fish farm in Loch Spelve.

Two organisations - Scottish Salmon Watch (SSW) and Animal Concern - have raised concerns over the alleged incident. On 24 May 2021 Scottish Salmon Watch sent a complaint to Police Scotland and copied Marine Scotland/Scottish Government.

SSW said in its complaint: "Scottish Salmon Watch would like to officially report the killing of a seal by Scottish Sea Farms (an RSPCA Assured salmon company) at their Loch Spelve salmon farm (a site supplying Marks & Spencer and currently accredited via RSPCA Assured) on 17 March 2021. This information has been passed on directly by a whistleblower who claims that the seal was shot and killed on 17 March 2021 inside a salmon cage at Loch Spelve. A baby pup was outside the cage and was not killed but presumably died since they became orphaned.

"In conclusion, therefore, it appears that Scottish Sea Farms (and perhaps other RSPCA Assured salmon farming companies) have continued killing seals after the ban on 31 January 2021. Scottish Salmon Watch therefore requests that the relevant authorities investigate whether Scottish Sea Farms killed a seal in Loch Spelve on 17 March 2021 and also failed to report the killing of a seal in Loch Spelve on 17 March 2021."

Can you confirm please this complaint was received and does Marine Scotland plan to investigate, given the recent change in the law regarding the protection of seals? If any investigation has already taken place then please advise of the outcome.

I'd be grateful for a comment by 10am tomorrow. Thank you.

[Redacted]



- Scottish Ministers continue to take independent scientific advice from the Natural Environment Research Council's Special Committee on Seals on matters relating to the management of seal populations.

**From:** [Redacted] <[Redacted]@gov.scot>  
**Sent:** 25 May 2021 16:34  
**To:** MS Communications <[MS.Communications@gov.scot](mailto:MS.Communications@gov.scot)>; Communications Rural Economy & Environment <[CommunicationsRuralEconomy&Environment@gov.scot](mailto:CommunicationsRuralEconomy&Environment@gov.scot)>  
**Cc:** [Redacted] <[Redacted]@gov.scot>; Palmer MR (Mike) <[Mike.Palmer@gov.scot](mailto:Mike.Palmer@gov.scot)>; [Redacted] <[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>  
**Subject:** FW: Illegal killing of a seal in Loch Spelve by Scottish Sea Farms on 17 March 2021

Hi all,

We received the email below regarding a possible case of illegal shooting of a seal at a fish farm site. In case of any media queries, we have drafted the following lines:

**Lines to take:**

- Seals are an integral part of the Scottish marine eco-system and represent only one element of the complex interactions between fish, fisheries, seabirds, whales and dolphins.
- Changes were made to the Marine (Scotland) Act 2010 and came into force on 1 February 2021 removing two grounds for which Scottish Ministers can grant licences to take or kill seals. These are for the purpose of protecting the health and welfare of farmed fish and for preventing serious damage to fisheries and fish farms.
- These changes mean that fish farms will no longer be able to apply for licences to take or kill seals for these purposes. Instead, alternative management measures are required to manage the risks associated with seal predation and possible stress to farmed fish.
- Any potential offences under the Marine (Scotland) Act 2010 following changes to the Act should be reported to Police Scotland.
- We recognise there are issues relating to seal predation at fish farms, and are working with the industry to develop non-lethal solutions to this problem.
- We recognise that the sector has a duty to protect their fish from potential stress and from injury caused by seal attacks. We are discussing with the aquaculture sector guidance on seal related predation issues in light of these changes.
- We have also commissioned research on non-lethal ways to manage seals around fish farms, such as use of anti-predator nets.

**Background:**

- The changes to the seal licensing system that came into force in February 2021 improve the conservation and welfare of seals, and help protect an important export market for farmed salmon.
- These changes were also made to ensure compliance with the US Marine Mammal Protection Act which require that export nations prohibit the intentional mortality and serious injury of marine mammals in commercial fisheries.
- The Act also increased the penalties associated with the offence of killing, injuring or taking a live seal to bring them in line with the most serious wildlife offences. Those found guilty of breaking the new laws could face a maximum penalty of five years' imprisonment, an unlimited fine, or both.

- Scottish Ministers continue to take independent scientific advice from the Natural Environment Research Council's Special Committee on Seals on matters relating to the management of seal populations.

Best wishes  
[Redacted]

*(Please note: I am currently working from home and am available by email, Skype or mobile)*

[Redacted]

Marine Conservation | Marine Planning and Policy  
Scottish Government | Area 1B North | Victoria Quay | Edinburgh | EH6 6QQ  
[Redacted]

[gov.scot](http://www.gov.scot)  
W: <http://www.gov.scot/Topics/marine>

From: [Redacted] [\[Redacted\]@gov.scot](mailto: [Redacted]@gov.scot) On Behalf Of Director of Marine Scotland Mailbox  
Sent: 25 May 2021 09:28  
To: Palmer MR (Mike) <[Mike.Palmer@gov.scot](mailto:Mike.Palmer@gov.scot)>  
Cc: Director of Marine Scotland Mailbox <[Directormarinescotland@gov.scot](mailto:Directormarinescotland@gov.scot)>  
Subject: FW: Illegal killing of a seal in Loch Spelve by Scottish Sea Farms on 17 March 2021

Hi Mike

The email below from [Redacted] came in to the Director's mailbox yesterday. [Redacted] tells me this sits with you and we'll likely need lines as he may go to the press. Grateful if you could take forward.

Kind regards  
[Redacted]

[Redacted]

[\[Redacted\]@gov.scot](mailto: [Redacted]@gov.scot) Deputy Business Manager to Director Marine Scotland

I am currently working from home. The best way to contact me is via email or Teams.

From: [Redacted] <[\[Redacted\]@salmonfarmingkills@gmail.com](mailto: [Redacted]@salmonfarmingkills@gmail.com)>  
Sent: 24 May 2021 11:30  
To: SCD Wildlife Crime <[SCDWildlifeCrime@scotland.pnn.police.uk](mailto:SCDWildlifeCrime@scotland.pnn.police.uk)>; [Redacted]  
[Redacted] Director of Marine Scotland Mailbox  
<[Directormarinescotland@gov.scot](mailto:Directormarinescotland@gov.scot)>; Scottish Ministers <[Scottish\\_Ministers@gov.scot](mailto:Scottish_Ministers@gov.scot)>  
Cc: [executive@rspca.org.uk](mailto:executive@rspca.org.uk)  
Subject: Illegal killing of a seal in Loch Spelve by Scottish Sea Farms on 17 March 2021

Scottish Salmon Watch would like to officially report the killing of a seal by Scottish Sea Farms (an RSPCA Assured salmon company) at their Loch Spelve salmon farm (a site supplying Marks & Spencer and currently accredited via RSPCA Assured) on 17 March 2021.

This information has been passed on directly by a whistleblower who claims that the seal was shot and killed on 17 March 2021 inside a salmon cage at Loch Spelve. A baby pup was outside the cage and was not killed but presumably died since they became orphaned.

Scottish Salmon Watch is unable to ascertain how the body was disposed of but we've heard reports of seal carcasses being wrapped in heavy chains and dumped on the bottom of the loch as well as [photos of seal carcasses wrapped in plastic](#).

Scottish Sea Farms admitted earlier this month that seals had caused damage to farmed salmon in Loch Spelve. Fish Farming Expert [reported on 13 May 2021](#):

"[Redacted] for Scottish Sea Farms, said: "Contrary to the claims being made, the footage clearly depicts the damage that seals can cause to fish, in much the same way that foxes can harm or kill chickens or lambs for example.

"Our farm teams are vigilant to presence of any damage caused to our salmon, removing affected fish as swiftly as possible and ensuring they are dispatched quickly and humanely in the interest of high animal welfare."

A ban on the "last resort" shooting of seals that couldn't be deterred from trying to enter or bite through salmon pen nets came into force on January 31 this year.

The use of some acoustic deterrent devices (ADDs) has also been discontinued under new legislation."

Fish Farming Expert [reported on 19 May 2021](#):

"SSF managing director Jim Gallagher said: "As farmers, we do everything in our power to protect our livestock, including from the threat of natural predators such as seals and sea birds, but no approach or measure is 100% failsafe all of the time. Seeing even a small number of our fish succumb to a predator attack or ill-health is hugely distressing for all involved but doubly so when it is misrepresented as neglect or abuse."

Scottish Salmon Watch is therefore concerned that Scottish Sea Farms has not only failed to adhere to the [new law banning the killing of seals \(introduced from 1 February 2021\)](#) but has also failed to officially report the killing of a seal in Loch Spelve on 17 March 2021 (the subject of a FOI request filed later today).

When Scottish Salmon Watch visited the RSPCA Assured salmon farm in Loch Spelve on 7 May 2021 we [recorded video evidence](#) of what Scottish Sea Farms claim is seal damage. In response to Scottish Sea Farms, we [asked on 13 May 2021 via Twitter](#): "So are you still killing seals (as permitted under the RSPCA's farmed salmon standard)?"

Scottish Sea Farms have thus far failed to reply.

I also asked [Scottish Sea Farms via Twitter on 17 May 2021](#): "How do you protect your RSPCA Assured salmon since it is now illegal to kill seals? Does your Loch Spelve salmon farm have anti-predator nets? How many seals have you shot & killed since 31 January 2021 when it became illegal to kill seals?"

Scottish Sea Farms have thus far failed to reply.

More context is presented via a blog: "[RSPCA Sponsored Seal Killing Continues Despite US Ban?](#)"

In March 2021, Scottish Salmon Watch [issued a plea to whistleblowers for photos of dead seals killed by salmon farms](#) and in April 2021 we [issued a £5,000 reward](#) for information leading to a criminal conviction following [Animal Concern's £5,000 reward offered in February 2021](#).

In conclusion, therefore, it appears that Scottish Sea Farms (and perhaps other RSPCA Assured salmon farming companies) have continued killing seals after the ban on 31 January 2021.

Scottish Salmon Watch therefore requests that the relevant authorities investigate whether Scottish Sea Farms killed a seal in Loch Spelve on 17 March 2021 and also failed to report the killing of a seal in Loch Spelve on 17 March 2021.

I am not clear who has jurisdiction on the issue so have directed the report to both Police Scotland and the Scottish Government - and I have copied in the Director of the RSPCA who should have more site specific information if a seal has been killed by RSPCA Assured Scottish Sea Farms in Loch Spelve on 17 March 2021. For example, the [RSPCA's farmed salmon standards dated February 2021 include a reporting form](#):

## Appendix 4

### RSPCA Assured Salmon Farms – 72 Hour Reporting Form – Seal Cull

Please fill out this form in full and email to [asales@rspcaassured.co.uk](mailto:asales@rspcaassured.co.uk) and [malcolm.ljohnstone@rspcaassured.co.uk](mailto:malcolm.ljohnstone@rspcaassured.co.uk) within 72 hours of the incident.

Membership number	
Site name	
Date & time of shooting	
Farm SG licence number	
Number of seals shot and species (e.g. grey or common seal)	
Number and locations of pens affected	
Total number of pens and fish on site at time of predation	
Number of fish killed before last resort shooting took place, and over what time period?	
Location of shooting	
Reasons for shooting (explain why this was considered a last resort)	
How was it ascertained that the damage to the fish was seal-related?	
How did the site manager decide that a seal damage threshold had been reached?	
Details regarding nets (incl. Predator nets)	
Details regarding ADDs (model, transducer positioning on site etc.)	
Any other relevant comments	
Remedial action to prevent further seal attacks	

Signed for ..... by:..... Date: dd/mm/yy

If you have any further questions please do not hesitate to contact me.

In terms of the whistleblower's information it is trusted with 100% confidence and comes from within Scottish Sea Farms from someone with inside knowledge of the operations of the Loch Spelve salmon farm.

Scottish Salmon Watch is confident that questioning of staff at Scottish Sea Farms will corroborate the claim that a seal was killed on 17 March 2021 inside a salmon cage in Loch Spelve. And presumably, a report of the seal being killed illegally was not filed with the Scottish Government, Police Scotland or the RSPCA.

Or perhaps Scottish Sea Farms immediately reported the seal killing and information will become available via FOI in due course?

Thanks,

[Redacted]

Scottish Salmon Watch

## Document 8

**From:** [Redacted] <[Redacted]@gov.scot>  
**Sent:** 24 May 2021 14:00  
**To:** [Redacted] <[Redacted]@gov.scot> [Redacted] <[Redacted]@gov.scot>  
**Cc:** [Redacted] <[Redacted]@gov.scot> [Redacted] <[Redacted]@gov.scot>  
[Redacted] <[Redacted]@gov.scot> [Redacted] <[Redacted]@gov.scot>  
[Redacted] <[Redacted]@gov.scot>  
**Subject:** RE: Illegal killing of a seal in Loch Spelve by Scottish Sea Farms on 17 March 2021

Thanks [Redacted]

Copying compliance colleagues in case they receive any enquiries from Police Scotland.

Best Wishes

[Redacted]

Marine Scotland – Marine Planning and Policy  
Mob: [Redacted]

**From:** [Redacted] <[Redacted]@gov.scot>  
**Sent:** 24 May 2021 13:10  
**To:** [Redacted] <[Redacted]@gov.scot> [Redacted] <[Redacted]@gov.scot>  
**Subject:** FW: Illegal killing of a seal in Loch Spelve by Scottish Sea Farms on 17 March 2021

To note, not sure who in your team needs to be aware.

[Redacted]

**From:** [Redacted] <[Redacted]@gov.scot>  
**Sent:** 24 May 2021 12:50  
**To:** [Redacted] <[Redacted]@gov.scot>  
**Subject:** FW: Illegal killing of a seal in Loch Spelve by Scottish Sea Farms on 17 March 2021

FYI

**From:** [Redacted] <[Redacted]@gov.scot> On Behalf Of Director of Marine Scotland Mailbox  
**Sent:** 24 May 2021 12:39  
**To:** Carmichael DB (Donald) <Donald.Carmichael@gov.scot>  
**Subject:** FW: Illegal killing of a seal in Loch Spelve by Scottish Sea Farms on 17 March 2021

Hi Donald

Re the email from [Redacted] below, does this sit within your remit? You'll see that the email has also been sent to Scottish Ministers so likely to be on MiCase in due course.

I thought you'd want to be aware given the content.

Kind regards

[Redacted]

[Redacted] [@gov.scot](#) Deputy Business Manager to Director Marine Scotland

I am currently working from home. The best way to contact me is via email or Teams.

[Redacted - duplicate email from bottom of chain document 7 released]

**Doc. No. 10 / A42405173**

Hi Folks,

I advised [Redacted] to tell the fish farmer to contact the conservation team, [Marine\\_Conservation@gov.scot](mailto:Marine_Conservation@gov.scot) as we would seem to be unable to grant a licence to shoot this seal. I think the guidance pointed to the conservation team providing advice on alternatives.

If they wish to take this seal by other means they would need a licence and should come to us on the email address [Redacted] has included.

Hope that helps

[Redacted]

**From:** [Redacted] [@gov.scot](mailto:[Redacted]@gov.scot)  
**Sent:** 19 March 2021 13:35  
**To:** [Redacted] [@gov.scot](mailto:[Redacted]@gov.scot) [Redacted]  
**Cc:** [Redacted] [@gov.scot](mailto:[Redacted]@gov.scot);  
[Redacted] [@gov.scot](mailto:[Redacted]@gov.scot)  
**Subject:** seal trapped in fish farm cage

[Redacted]

Hi

This is the updated guidance. You'll see that there is a provision for public health and safety, but this is considered on a case by case basis and would need to be discussed with LOT. [Redacted] are the best contacts. I've had a quick chat with [Redacted] to make her aware of the situation.

<https://www.gov.scot/publications/seal-licensing-form-and-guidance/>

This is the relevant section of policy guidance to which LOT would refer.

### Public Health or Public Safety

This is an existing provision so applicants may seek to apply, although there are likely to be very limited circumstances that this provision will apply. Depending on the underlying circumstances, examples *may* include seals obstructing a road or railway; aggressive seals in accessible or busy areas; or to control transmission of disease from seals to humans. Not all situations will require a seal to be killed but some may require a seal to be taken. Advice should be sought from marine mammal advisers in Marine Scotland Science (MSS) and Sea Mammal Research Unit where appropriate in the event that a licence is sought under these grounds. It is considered *unlikely* that a fish farm could effectively make an argument that seals are posing a threat to public safety although this cannot be discounted. Analysis would need to be undertaken on a case by case basis, and a process will be put in place should the event arise. In the event of a query from a prospective applicant, the following lines to take may be used:

- Marine Scotland recognises there may be some instances where the public are at risk of harm from seals, although these are likely to be rare and case specific.
- Marine Scotland does not specify all situations where a seal is likely to be a public health and safety issue, however this may include an individual seal on land causing direct threat to a member to members of the public, through either its behaviour or its location. Such a seal may be acting in an aggressive manner, causing a dangerous obstruction, carrying a zoonotic disease or capable of carrying a zoonotic disease, or causing a health and safety risk in some other way.
- Please note, Marine Scotland are unlikely to consider a public health and safety issue in circumstances where there are no humans near the individual seal or humans are capable of avoiding the danger posed by the seal, for example an aggressive seal in a remote location or in the sea, or where humans would be purposefully interacting with the seal, for example by swimming or diving in the sea.

As discussed the provision for humane dispatch is unlikely to be appropriate unless the animal is seriously injured.

Either way, if you can provide as much information as possible to LOT that would be helpful – e.g. location of fish farm, fish farm company, exact location of seal and condition etc. (please also cc any emails to [Seal Licensing mailbox@gov.scot](mailto:Seal_Licensing_mailbox@gov.scot))

Thanks

[Redacted]

**Doc. No. 11 / A36035253**

Quick update:

This is not in the public domain beyond the farm so no media interest as yet. [Redacted] is drawing up some succinct factual lines confirming that the dispatch has been carried out for humane reasons in line with the regs.

[Redacted]

█

Caro - I suggest you pass this on as a live issue to tomorrow's senior on-call officer in case there is public reporting of the incident. I would not be inclined to alert Ministers at this stage given that all due procedures appear to have been followed.

NB: I have advised [Redacted] to inform SMASS regarding carcass recovery and inspection.

Happy to discuss as you wish.

[Redacted]

[Redacted]

**From:** Palmer MR (Mike) <[Mike.Palmer@gov.scot](mailto:Mike.Palmer@gov.scot)>  
**Date:** Friday, 24 Dec 2021, 2:46 pm  
**To:** [Redacted] <[\[Redacted\]@gov.scot](mailto:[Redacted]@gov.scot)>, Cowan C (Caroline) <[\[Redacted\]@gov.scot](mailto:[Redacted]@gov.scot)>, [Redacted] <[\[Redacted\]@gov.scot](mailto:[Redacted]@gov.scot)>, [Redacted] <[\[Redacted\]@gov.scot](mailto:[Redacted]@gov.scot)>, [Redacted] <[\[Redacted\]@gov.scot](mailto:[Redacted]@gov.scot)>  
MacKinnon D (Donna) <[Donna.MacKinnon@gov.scot](mailto:Donna.MacKinnon@gov.scot)>, [Redacted] <[\[Redacted\]@gov.scot](mailto:[Redacted]@gov.scot)>, Voas S (Sheila) <[Sheila.Voas@gov.scot](mailto:Sheila.Voas@gov.scot)>, Wallace I (Iain) <[Iain.Wallace@gov.scot](mailto:Iain.Wallace@gov.scot)>  
**Cc:** [Redacted] <[\[Redacted\]@gov.scot](mailto:[Redacted]@gov.scot)>  
**Subject:** RE: Notification of seal incident at Scottish Sea Farms, Orkney

Hi folks,

[Redacted]

[Redacted] has just informed me that the seal is still trapped inside the pen and that SSF will, on the advice of an independent vet, now proceed to euthanise it in order to alleviate its suffering. As [Redacted] says, this is legal if the required approval is obtained from the vet. SSF will use a suitably qualified marksman to dispatch the seal.

Our policy is that all reasonable steps should be taken to recover the carcass to enable subsequent inspection and that SMASS should be informed of any requirement to dispatch a seal. SSF are looking into options for retaining the carcass but given the time of year and the likely lack of any staff at SMASS to carry out a carcass inspection in the next few days they are currently of the view that carcass retention is unlikely. I will remind [Redacted] of the need to inform SMASS so that she is covering all bases.

[Redacted] will send in an email to a core group from among recipients of this email so that she has complied with her duty to notify SG.

[Redacted] - don't know if you're looking at emails today but, if you are, is there anything we need to do beyond logging the information?

Wrt possible media interest, no indication of that but I will double-check with [Redacted]

[Redacted]

[Redacted]

**From:** [Redacted] <[Redacted]@gov.scot>  
**Date:** Friday, 24 Dec 2021, 10:08 am  
**To:** Cowan C (Caroline) <Caroline.Cowan@gov.scot>, Palmer MR (Mike) <Mike.Palmer@gov.scot>, [Redacted] <[Redacted]@gov.scot>, [Redacted] <[Redacted]@gov.scot>, [Redacted] <[Redacted]@gov.scot>  
MacKinnon D (Donna) <Donna.MacKinnon@gov.scot>, [Redacted] <[Redacted]@gov.scot>, Voas S (Sheila) <Sheila.Voas@gov.scot>  
**Cc:** [Redacted] <[Redacted]@gov.scot>  
**Subject:** RE: Notification of seal incident at Scottish Sea Farms, Orkney

Hi Caro

There is a provision for alleviating suffering of a seal. There is quite a high bar to satisfy.

There is a topic sheet on this albeit it probably needs updating. But the substance around the provision will be correct.

Best Wishes

[Redacted]

[Redacted] and Policy

**From:** Cowan C (Caroline) <Caroline.Cowan@gov.scot>  
**Date:** Friday, 24 Dec 2021, 9:40 am  
**To:** Palmer MR (Mike) <Mike.Palmer@gov.scot>, [Redacted] <[Redacted]@gov.scot>, [Redacted] <[Redacted]@gov.scot>, [Redacted] <[Redacted]@gov.scot>

[Redacted] @gov.scot>, [Redacted] @gov.scot>,  
MacKinnon D (Donna) <Donna.MacKinnon@gov.scot> [Redacted]  
[Redacted] @gov.scot>, Voas S (Sheila) <Sheila.Voas@gov.scot>  
**Cc:** [Redacted] @gov.scot>  
**Subject:** RE: Notification of seal incident at Scottish Sea Farms, Orkney

Thanks [Redacted]

I thought we couldn't shoot seals anymore, or is this because it's a welfare issue so we can?

I'm not quite sure what I might need to do, I guess there could be some media activity? Are ministers aware of this? Comms?

C

---

Dr Caro Cowan  
Interim Deputy Director Funding and Strategy  
**marinescotland**  
Scottish Government  
[Redacted]

**From:** Palmer MR (Mike) <Mike.Palmer@gov.scot>  
**Sent:** 23 December 2021 15:59  
**To:** [Redacted] @gov.scot>; [Redacted] @gov.scot> [Redacted]  
[Redacted] @gov.scot>; [Redacted] @gov.scot> [Redacted]  
[Redacted] @gov.scot>; MacKinnon D (Donna)  
<Donna.MacKinnon@gov.scot>; [Redacted] )  
[Redacted] @gov.scot>; Voas S (Sheila) <Sheila.Voas@gov.scot>  
**Cc:** Cowan C (Caroline) <Caroline.Cowan@gov.scot>; [Redacted] )  
[Redacted] @gov.scot>  
**Subject:** Notification of seal incident at Scottish Sea Farms, Orkney

Hi folks,

I have received notification from [Redacted] at Scottish Sea Farms of a seal incident at one of their farms in Orkney. A seal got into one of the pens four days ago and is still stuck there. The seal initially gorged on fish and having fed sought to find a way out but was not able to do so and as time wore on has become increasingly confused. SSF have tried various methods to get the seal to leave the pen but to no avail. The fish are crowded to one side of the pen away from the seal and are stressed with risk of considerable mortality.

Tomorrow SSF will construct a walkway to provide the seal with a very obvious escape route and they will also give a short burst of the startle device which they have been trialling with St Andrews University to attempt to get the seal to move in the right direction and leave the pen. If that fails they are preparing to tranquilise the seal and then move it. In extremis, if that fails, they believe they will be in the unavoidable situation of having to shoot the seal for its own welfare as it will likely expire in any case.

[Redacted] will provide an update tomorrow which I will circulate (copying in Caro as senior on-Call officer tomorrow.)

APHA have also been notified.

I acknowledged the notification and told [Redacted] that I would ensure those on this email were informed.

[Redacted] – is this a notification which FHI would log in an official record?

No indication (at this stage) that this has been reported any wider.

If you receive this email late at night, early in the morning, or at the weekend - it means I am working flexibly. Flexibility works for me, but please do not feel that you should have to pick this up outside of your own normal working hours.

**Mike Palmer**  
**Deputy Director for Marine Planning and Policy**  
**marinescotland**

Scottish Government | Area GB-South | Victoria Quay | Edinburgh EH6 6QQ

[Redacted]

email: [mike.palmer@gov.scot](mailto:mike.palmer@gov.scot)  
w: <http://www.gov.scot/marinescotland>

**Doc. No. 12 / A41869409**

To release from archive

*(Please note: I am currently working from home and am available by email, Skype or mobile)*

[Redacted]

[Redacted]

Sea Fisheries and Marine Conservation  
Scottish Government | Area 1B North | Victoria Quay | Edinburgh | EH6 6QQ

*My pronouns are: she/her*

[Redacted]

W: <http://www.gov.scot/Topics/marine>

**From:** [Redacted]

[@gov.scot>](#)

**Sent:** 10 June 2021 12:17

**To:** [Redacted]

[@gov.scot>](#); [Redacted]

[Redacted] [@gov.scot>](#)

**Subject:** RE: Seal shot on Mull 17.03.2021

[Redacted]  
Hi

As there have been no active licences to permit the taking of seals since Jan 31 2021 this incident would not be a breach of an active marine licence condition, therefore not a matter for MS LOT and as a result MS LOT do not require the assistance of compliance.

Thank you for the offer though.

Kind regards. stay safe.  
[Redacted]

**From:** [Redacted]

[@gov.scot>](#)

**Sent:** 10 June 2021 09:35

**To:** [Redacted]

[@gov.scot>](#)

**Subject:** Seal shot on Mull 17.03.2021

Good morning [Redacted]

I was told to contact yourself with regards to the Seal shooting incident on Mull 17.03.2021. I see Police Scotland are dealing with this, is there anything you require of Marine Scotland Compliance Oban?

Regards, [Redacted]

[Redacted]

Senior Fishery Officer – Oban District  
Marine Scotland – Compliance



Scottish Government | Marine Scotland | Cameron House | Albany Street | Oban | Argyll | PA34 4AE  
[Redacted]

w: <http://www.scotland.gov.uk/marinescotland>

To see how we use your personal data, please view our privacy notice at  
<https://www.gov.scot/Topics/marine/Compliance/Privacy>

If you receive this email late at night, early in the morning, or at the weekend - it means I am working flexibly. Flexibility works for me, but please do not feel that you should have to pick this up outside of your own normal working hours

**Doc. No. 13 / A42476517**

Hi both,

We received the below communications from Scottish Sea farms today.

Of course we have replied we indeed would like to examine the carcass, and are getting logistics in place to get it shipped to Glasgow. We have asked for details regarding where the seal was found, what were the grounds on which it was diagnosed to be suffering, and who the vet was making the call (suggested a report from the veterinarian on site would be helpful).

Thought you might appreciate the head's up, and will keep you informed.

Cheers,

[Redacted]

Scottish Marine Animal Stranding Scheme (SMASS)  
School of Biodiversity, One Health, and Veterinary Medicine  
University of Glasgow | Glasgow | G12 8QQ

[Redacted]  
[Redacted]

*I work flexibly – please know I do not expect a reply outside your normal working hours*

---

**From:** [Redacted]

[@scottishseafarms.com](mailto:@scottishseafarms.com)

**Sent:** 17 October 2022 16:35

**To:** SMASS <[reports@strandings.org](mailto:reports@strandings.org)>

**Subject:** Alleviation of seal suffering - Orkney

Hi,

Pls note I left a voicemail earlier this morning requesting a call to advise of the following:

In accordance with Section 108 of the Marine Scotland Act 2010 I hereby notify that at approximately 1545 hours on 14 October 2022 a qualified holder of a firearms licence euthanized a seal at Wyre Marine Farm, Orkney.

This action was undertaken in the presence of an independent qualified Veterinarian and an action taken to alleviate the suffering of the grey seal.

The carcass has been recovered and we are requesting confirmation in respect to any post-mortem examination which you may wish to undertake, we have a contract in place for the correct disposal of the carcass and an immediate response would be appreciated so that we can make any necessary arrangements for disposal should you not wish to undertake any examination.

Many thanks

[Redacted]

[Redacted]

## Scottish Sea Farms

Barcaldine Hatchery, Barcaldine, Oban, Argyll PA37 1SE

[Redacted]

[scottishseafarms.com](http://scottishseafarms.com) | [Twitter](#) | [LinkedIn](#) | [Facebook](#) | [Instagram](#)



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[Scottish Sea Farms](#)

**Doc. No. 14 / A42476523**

[Redacted]

Thank you for explaining the process to me on our call earlier, I was unclear of the status of the request and the role you held for Marine Scotland to conduct the investigations and I greatly appreciate your explanation.

As discussed, I attach for your information the report of the incident and include our timeline.

In addition, I would advise that prior to this incident extensive discussions have been held with Marine Scotland, APHA and the CVO regarding the actions and practices which we follow to encourage seals who enter our pens to exist, observational information from our farming staff relating to seal behaviours is explored and we also consider the feeding habits of the seals in the pens. Noting from these experiences that there is a range of time where continuing fish mortality arises from the activity of a seal in a pen.

In this instance, farming colleagues reported a change of behaviour observed on the Thursday with the seal appearing lethargic and disinterested – a change from previous days observation. We held an internal virtual meeting to discuss and ensure that all available practices had been followed to encourage the seal to vacate the pen and concluded that receiving qualified Veterinarian advice was essential given the potential suffering of the mammal. This was actioned post the internal virtual meeting by SSF Orkney based personnel.

Should you require further information please contact me,



Seal Ingress Timeline  
Wyre Pen 12.pdf

Best regards

[Redacted]

**From:** [Redacted] <[\[Redacted\]@glasgow.ac.uk](mailto:[Redacted]@glasgow.ac.uk)>  
**Sent:** 26 October 2022 12:29  
**To:** [Redacted] <[\[Redacted\]@scottishseafarms.com](mailto:[Redacted]@scottishseafarms.com)>  
**Cc:** [Redacted] <[\[Redacted\]@gov.scot](mailto:[Redacted]@gov.scot)>  
**Subject:** Re: Alleviation of seal suffering - Orkney

**CAUTION:** This email originated from outside of the organisation. Do not click links or open attachments unless you verify with the sender and know the content is safe. If in doubt please forward to [ITSUPPORT@scottishseafarms.com](mailto:ITSUPPORT@scottishseafarms.com)

[Redacted]

Dear

May I draw you attention to my request below for information around the seal shot on Wyre marine Farm and n the 24th October 2022.

We would greatly appreciate supply of the information requested at your earliest convenience.

Thanks

[Redacted]

[Redacted] Scottish Marine Animal Stranding Scheme  
Institute of Biodiversity, One Health & Veterinary Medicine  
College of Medical, Veterinary & Life Sciences  
University of Glasgow | Glasgow | G12 8QQ

[Redacted]

[Web](#) - [Facebook](#) - [Twitter](#)

The University of Glasgow, charity number SC004401

---

**From:** [Redacted] <[\[Redacted\]@glasgow.ac.uk](mailto:[Redacted]@glasgow.ac.uk)>  
**Sent:** Tuesday, 18 October 2022, 15:33  
**To:** [Redacted] <[\[Redacted\]@scottishseafarms.com](mailto:[Redacted]@scottishseafarms.com)>; [Redacted]  
[Redacted] <[\[Redacted\]@glasgow.ac.uk](mailto:[Redacted]@glasgow.ac.uk)>  
**Subject:** Re: Alleviation of seal suffering - Orkney

[Redacted]  
Dear

Thank you for forwarding your communications about this event. As part of our investigations into the health and welfare of the euthanized seal, it would be helpful if you could provide some more details as to events leading to the seal being shot. In specific could you outline the timings for the seal(s) becoming trapped in the net, a description of actions taken to enable or encourage the animal to exit the net and an outline of when veterinary advice was sought:

"This due to SSF having undertaken all actions such that the seal had a very good opportunity to exit a salmon farming pen on Friday 14<sup>th</sup> October and prior to that opportunity over lengthy periods during the previous days since the seal entered the pen adjacent to the handrail of the pen on Saturday 8 December. "

I have spoken to the attending veterinary surgeon, and understand a decision was made to euthanise the animal based on a judgement the animal was exhausted. Could you clarify if at any point in the entrapment of this seal attempts were made to provide a haul-out platform?

Any other information, including images, which support or evidence your decision to euthanise this animal would be helpful.

Many thanks

[Redacted]

[Redacted] [Scottish Marine Animal Stranding Scheme](#)  
School of Biodiversity, One Health and Veterinary Medicine  
College of Medical, Veterinary & Life Sciences  
University of Glasgow, Glasgow, G12 8QQ

[Redacted]

[Web](#) - [Facebook](#) - [Twitter](#)

The University of Glasgow, charity number SC004401

---

**From:** [Redacted] <[@scottishseafarms.com](mailto:@scottishseafarms.com)>  
**Sent:** 18 October 2022 10:03  
**To:** [Redacted] <[@glasgow.ac.uk](mailto:@glasgow.ac.uk)>  
**Cc:** [Redacted] <[@glasgow.ac.uk](mailto:@glasgow.ac.uk)>  
**Subject:** RE: Alleviation of seal suffering - Orkney  
[Redacted]

Hi

Sorry missed your call.

I have contacted colleagues in Orkney to arrange for the delivery of the carcase to Northwards.

I have attached the formal notification email which related to the action taken on Friday of last week.

[Redacted] from [Redacted] was in attendance.

Should you wish further information please call.

Thanks

[Redacted]

**From:** [Redacted] <[@glasgow.ac.uk](mailto:@glasgow.ac.uk)>  
**Sent:** 18 October 2022 09:53  
**To:** [Redacted] <[@scottishseafarms.com](mailto:@scottishseafarms.com)>  
**Cc:** [Redacted] <[@glasgow.ac.uk](mailto:@glasgow.ac.uk)>  
**Subject:** RE: Alleviation of seal suffering - Orkney

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[Redacted]

Hi

I've just left you a voicemail to let you know we have been in touch with Northwards Ltd, who can transport the seal from Kirkwall to our lab at the University of Glasgow vet school, for examination. They have what is called "the dolphin tin" which we regularly use, and transports seals also.

If your guys can get the carcass dropped off at their depot in Kirkwall today (Innovation Centre, Hatston Pier Road, Kirkwall KW15 1ZL), that would be great. They can let the Northwards staff know it is a marine mammal for SMASS – to go to their lab in Glasgow.

Any further details you can provide about this case, and the circumstances around finding it and the diagnosis of suffering, would also be very much appreciated – as per my previous email.

Any questions or problems please do not hesitate to get in touch (phone number in signature) – and if you can confirm you have received this message and the seal is on route to Glasgow that would be greatly appreciated as well.

Many thanks,  
[Redacted]

Scottish Marine Animal Stranding Scheme (SMASS)  
School of Biodiversity, One Health, and Veterinary Medicine  
University of Glasgow | Glasgow | G12 8QQ

[Redacted]

*I work flexibly – please know I do not expect a reply outside your normal working hours*

---

**From:** [Redacted] <[\[Redacted\]@scottishseafarms.com](mailto:[Redacted]@scottishseafarms.com)>  
**Sent:** 17 October 2022 16:35  
**To:** [Redacted] <[\[Redacted\]@strandings.org](mailto:[Redacted]@strandings.org)>  
**Subject:** Alleviation of seal suffering - Orkney

Hi,

Pls note I left a voicemail earlier this morning requesting a call to advise of the following:

In accordance with Section 108 of the Marine Scotland Act 2010 I hereby notify that at approximately 1545 hours on 14 October 2022 a qualified holder of a firearms licence euthanized a seal at Wyre Marine Farm, Orkney.

This action was undertaken in the presence of an independent qualified Veterinarian and an action taken to alleviate the suffering of the grey seal.

The carcass has been recovered and we are requesting confirmation in respect to any post-mortem examination which you may wish to undertake, we have a contract in place for the correct disposal of the carcass and an immediate response would be appreciated so that we can make any necessary arrangements for disposal should you not wish to undertake any examination.

Many thanks  
[Redacted]

[Redacted]

| **Scottish Sea Farms**

Barcaldine Hatchery, Barcaldine, Oban, Argyll PA37 1SE

[Redacted]

[scottishseafarms.com](http://scottishseafarms.com) | [Twitter](#) | [LinkedIn](#) | [Facebook](#) | [Instagram](#)



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**[Scottish Sea Farms](#)**

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**[Scottish Sea Farms](#)**

## Doc. No. 15 / A42476580

Dear [Redacted]

Please find attached the necropsy report for the adult grey seal shot by Scottish Sea Farms, Orkney on the 14<sup>th</sup> October 2022, SMASS ref M569-22



M569-22 Seal.pdf

It is appreciated these events are difficult situations both to manage and evaluate. From a welfare aspect, this animal was killed with a single shot and died almost instantaneously. Based on a review of the available evidence, and discussions with colleagues from SMRU and the wider marine mammal community, I find it difficult to support the conclusion that this animal was suffering to the extent that euthanasia was a proportional and justifiable response. My opinion, therefore, is the actions followed by Scottish Sea farms do not fall under the exemptions listed under section 108 of the Marine (Scotland) Act 2010.

It appears that there were several opportunities missed to engage the wider marine mammal community in the management of this events. Whilst hopefully rare, a repeat or similar is not unlikely and probably merits a more joined up and timely response. I'm happy to be involved in discussions about this if useful.

I have had requests for a copy of this report, including a FOI from [Redacted] on data pertaining to any seals shot in the SMASS database. Happy to discuss.

Best wishes

[Redacted]

[Redacted]

Scottish Marine Animal Stranding Scheme  
School of Biodiversity, One Health and Veterinary Medicine  
College of Medical, Veterinary & Life Sciences  
University of Glasgow | Glasgow | G12 8QQ

[Redacted]

[Web](#) - [Facebook](#) - [Twitter](#)

The University of Glasgow, charity number SC004401

---

**From:** [Redacted] <[Redacted]@gov.scot>  
**Sent:** 18 October 2022 18:36  
**To:** [Redacted] <[Redacted]@glasgow.ac.uk>; [Redacted] <[Redacted]@gov.scot>  
[Redacted] <[Redacted]@gov.scot>  
**Cc:** [Redacted] <[Redacted]@glasgow.ac.uk>  
**Subject:** RE: Alleviation of seal suffering - Orkney

[Redacted]  
Thanks

I've had a look at what SFF sent and that's the same information I saw. We weren't contacted by them ahead of the decision to shoot.

If you could keep up posted on what you find about the health and any indications of a welfare issue.

I'll have a look and see if we have anything on seals in nets. I don't think we have any specific guidance, but I know this has been discussed at SCOS previously. I'm out tomorrow and Friday so I will get something to you early next week.

Best wishes

[Redacted]

*(Please note: I am currently working from home and am available by email, Skype or mobile)*

[Redacted]

[Redacted]

Marine Conservation | Marine Planning and Policy

Scottish Government | Area 1B North | Victoria Quay | Edinburgh | EH6 6QQ

[Redacted]

[Redacted]

W: <http://www.gov.scot/Topics/marine>

**From:** [Redacted] <[\[Redacted\]@glasgow.ac.uk](mailto:[Redacted]@glasgow.ac.uk)>  
**Sent:** 18 October 2022 11:43  
**To:** [Redacted] <[\[Redacted\]@gov.scot](mailto:[Redacted]@gov.scot)>; [Redacted] <[\[Redacted\]@glasgow.ac.uk](mailto:[Redacted]@glasgow.ac.uk)>  
**Cc:** [Redacted] <[\[Redacted\]@glasgow.ac.uk](mailto:[Redacted]@glasgow.ac.uk)>  
**Subject:** Fw: Alleviation of seal suffering - Orkney

[Redacted]

Dear

Following up on our comms yesterday, we are attempting to have this seal recovered for examination. This should enable us to assess the antemortem health of the animal and identify if there are any indications of a welfare problem.

I have asked SSF and the attending vet to outline the reasons this animal was shot, including clinical observations. Can I ask if you could also provide any relevant information about this case which may help our investigation?

With regard to Section 108 1.c of the act, where the taking of the animal's life is the only satisfactory way to end suffering, we need to ascertain 1. if the animal was suffering and 2. if euthanasia was the only option. Do have published guidance or protocols for extricating seals from fish pens, and if so please may we see them?

Assuming SSF are able to recover the case to Kirkwall, we will courier the seal south for necropsy. I can share our report with you once this is done.

Thanks

[Redacted]

---

[Redacted]

[Redacted] Scottish Marine Animal Stranding Scheme  
School of Biodiversity, One Health and Veterinary Medicine  
College of Medical, Veterinary & Life Sciences  
University of Glasgow | Glasgow | G12 8QQ

[Redacted]

[Web](#) - [Facebook](#) - [Twitter](#)

The University of Glasgow, charity number SC004401

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**From:** [Redacted] <[@scottishseafarms.com](mailto:@scottishseafarms.com)>  
**Sent:** 18 October 2022 10:03  
**To:** [Redacted] <[@glasgow.ac.uk](mailto:@glasgow.ac.uk)>  
**Cc:** [Redacted] <[@glasgow.ac.uk](mailto:@glasgow.ac.uk)>  
**Subject:** RE: Alleviation of seal suffering - Orkney

[Redacted]

Hi

Sorry missed your call.

I have contacted colleagues in Orkney to arrange for the delivery of the carcass to Northwards.

I have attached the formal notification email which related to the action taken on Friday of last week.

[Redacted] from [Redacted] was in attendance.

Should you wish further information please call.

Thanks

[Redacted]

[Redacted]

[Redacted]

# SEAL POSTMORTEM REPORT FORM

## Interim report

NATIONAL REFERENCE NUMBER: SS2022/436

POST MORTEM NUMBER: M569/22

HISTOLOGY NUMBER:

SPECIES: *Halichoerus grypus*

SEX: Male

AGE GROUP: Adult

DATE FOUND: 14/10/2022

LOCATION FOUND: Wyre, Orkney – Scottish sea farms

NATIONAL GRID NUMBER: HY 45537 25339 (to be confirmed)

DATE OF POSTMORTEM: 28/10/2022

PATHOLOGIST: [Redacted]

BODY CONDITION USING CONDITION CODE: 2b

Live (becomes code 2 at death)

2a) **Extremely fresh** (as if just died, no bloating, meat is considered by most to be edible)

2b) **Slight decomposition** (slight bloating, blood imbibition visible)

3) **Moderate decomposition** (moderate bloating, skin peeling, penis may be extended in males, organs still intact, excluding postmortem damage)

4) **Advanced decomposition** (major bloating, skin peeling, penis extended in males, organs beyond recognition, bones exposed due to decomposition)

5) **Indeterminate** (mummified carcass or skeletal remains, no organs present)

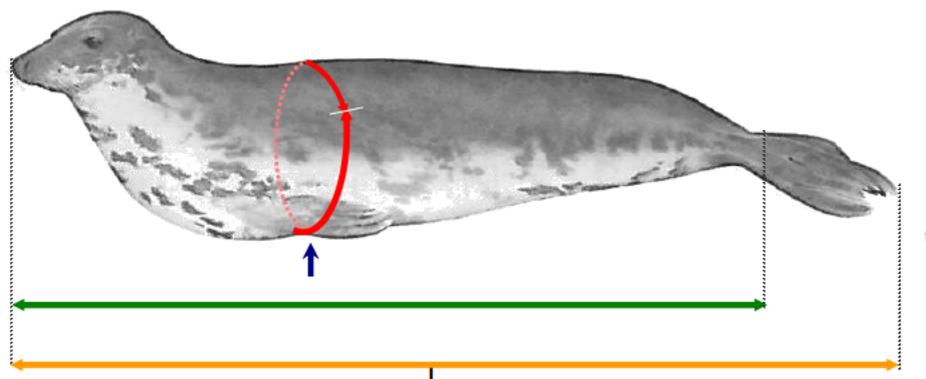
## 1. MORPHOMETRIC DATA

FROZEN: No

BODY WEIGHT: 112 Kg

LENGTH, GIRTH AND BLUBBER THICKNESS:

1) tip of nose to tip of hind flipper (1):	186 cm
2) tip of nose to end of tail (2):	167 cm
3) girth behind front flippers (3):	118 cm
4) mid-sternal blubber thickness (4):	54 mm



## 2. GROSS PATHOLOGY

**NAD:** No Abnormalities detected **NE:** Not Examined

### 1) Body condition Fat

### 2) External examination

Body orifices: NAD

Ectoparasites: NAD None detected

Flippers: NAD no claws missing, no bite wounds or other lesions noted

### 3) Integument

Epidermis: NAD Intact with no chronic or acute lesions detected aside from trauma to head

Blubber: NAD Fat coverage, free lipid on cut section, no evidence of bruising or petechiation.

Subcutaneous tissue: NAD No bruising, notable subcutaneous fat deposits in connective tissue in addition the blubber

### 4) Musculoskeletal system

Skull: Severe ballistic trauma, multiple displaced fractures of cranial vault and extensive haemorrhage. Bullet entry wound under right eye (zygomatic structures destroyed)

Extensive fractures throughout maxilla, frontal, right parietal and occipital regions.

Other bones: C1,2 fractured, distal spine and ribs intact. No evidence of healed fractures

Back muscle mass: NAD Good

Other muscles: NAD Good coverage

### 5) Nervous system

Brain: NAD Almost complete loss of structure, extensive haemorrhage and bone fragments within cortical structures.

Spinal cord: NAD Haemorrhage around foramen magnum, distal structures not examined in detail

Peripheral nerves: NAD

Eyes: R eye prolapsed and ruptured assumed as a result of ballistic trauma

### 6) Cardiovascular system

Pericardial sac: Extensive pericardial lipid deposits. PCF unremarkable.

Myocardium: NAD No petechiation

Valves: Small focus of bruising on valvular margins, no evidence of endocarditis,

Arteries, veins: NAD Serous clot in main cardiac vessels

### 7) Respiratory system

Nasal cavity: Severe ballistic trauma to nasal turbinates

Sinuses: Ballistic trauma and frank haemorrhage

Trachea, bronchi: Blood clot within the lumen of trachea and proximal bronchi. No parasites noted

Lungs: NAD Slight asymmetry, right lung congestion, no consolidation, likely agonal, no evidence of active or chronic parasite burden,

Pleura/pleural cavity: Significant lipid deposits around hilar region. Pleura unremarkable

### **8) Alimentary system**

Mouth: NAD Dentition unremarkable

Oesophagus: Refluxed stomach contents

Stomach: Recently ingested large salmonid fish, one almost entire fish spine 32cm long and pink, lipid-rich ingesta.

Duodenum/small intestine: high lipid contents to digesta

Large intestine: Digesta contents throughout, lacteals evident and full, pale grey greasy faecal material

Anus: NAD

Liver: Diffuse pale tan colouration, greasy on cut section, no congestion, no parasites. Not jaundiced.

Pancreas: NAD

Peritoneum/peritoneal cavity: Extensive deposits of lipid, most notable around and within mesentery and perirenal.

### **9) Urogenital system**

Ovaria/testes: Testes symmetrical

Uterus: NAD

Vagina/penis: NAD

Kidneys: Perirenal and capsular fat deposits, renal pathology otherwise unremarkable

Adrenals: Adrenal medulla haemorrhagic, C:M ratio 1:1

Ureters: NAD

Urinary bladder: NAD Empty- no urine

Urethra: NAD

### **10) Lymphatic and endocrine systems**

Thyroid: NAD

Spleen: NAD

Thymus: NAD Scant tissue, extensive lipid around thymus.

Lymph nodes: Lymph nodes moderate reactive, no significant lymphadenopathy however

### 3. CHECKLIST OF STANDARD SAMPLES

In each square, enter:

X = sample taken

Blank = sample not taken or not present

Record any extra samples taken in section 4.

#### Weights

left testis (g):  
right testis (g):  
heart (g):

#### Freeze at -20°C

<input checked="" type="checkbox"/> epidermis	4 cm <sup>2</sup>
<input checked="" type="checkbox"/> blubber	2 x 20g
<input checked="" type="checkbox"/> liver	2 x 20g
<input checked="" type="checkbox"/> muscle	2 x 20g
<input type="checkbox"/> serum or PCF	to 20 ml
<input checked="" type="checkbox"/> teeth / jaw	>4
<input checked="" type="checkbox"/> whiskers	>4
<input type="checkbox"/> urine	up to 10 ml
<input checked="" type="checkbox"/> faecal material	up to 50 ml
<input type="checkbox"/> scapula	whole
<input type="checkbox"/> skull	whole

#### Bacteriology

<input checked="" type="checkbox"/> brain	swab/block
<input type="checkbox"/> CSF	swab/fluid
<input checked="" type="checkbox"/> kidney	swab/block
<input checked="" type="checkbox"/> liver	swab/block
<input checked="" type="checkbox"/> lung	swab/block
<input checked="" type="checkbox"/> spleen	swab/block

#### Virology (freeze at -80°C)

<input checked="" type="checkbox"/> brain	1 cm <sup>3</sup>
<input checked="" type="checkbox"/> spleen	1 cm <sup>3</sup>
<input checked="" type="checkbox"/> lung	1 cm <sup>3</sup>
<input checked="" type="checkbox"/> liver	1 cm <sup>3</sup>
<input checked="" type="checkbox"/> skin	1 cm <sup>3</sup>

#### 10% Formalin

<input checked="" type="checkbox"/> adrenal glands	both
<input checked="" type="checkbox"/> bladder	1 cm <sup>3</sup>
<input checked="" type="checkbox"/> brain	whole
<input checked="" type="checkbox"/> heart	1 cm <sup>3</sup>
<input checked="" type="checkbox"/> kidney	1 cm <sup>3</sup>
<input checked="" type="checkbox"/> liver	1 cm <sup>3</sup>
<input checked="" type="checkbox"/> lung	1 cm <sup>3</sup> x ...
<input type="checkbox"/> mammary gland	1 cm slice
<input checked="" type="checkbox"/> mesenteric ln.	1 cm slice
<input checked="" type="checkbox"/> pancreas	1 cm <sup>3</sup>
<input checked="" type="checkbox"/> bronchial ln.	1 cm slice
<input checked="" type="checkbox"/> skin and blubber	1 cm <sup>3</sup>
<input type="checkbox"/> spinal cord	1 cm <sup>3</sup>
<input checked="" type="checkbox"/> spleen	1 cm <sup>3</sup>
<input checked="" type="checkbox"/> testes	both/slices
<input type="checkbox"/> thymus	1 cm <sup>3</sup>
<input checked="" type="checkbox"/> thyroid	1 cm <sup>3</sup>
<input type="checkbox"/> uterus	1 cm <sup>3</sup>
<input type="checkbox"/> ovaries	both

#### Ethanol

<input type="checkbox"/> Parasites from	
-	
-	

#### 4. STOMACH CONTENTS

Food remains cardiac section stomach (g): . . . . .

No food remains

Stomach contents were:

Sieved stomach contents through a 425 micron mesh and store in ethanol?

Stomach contents frozen directly ay -20OC

Entire Stomach frozen directly ay -20OC

#### 5. OTHER SAMPLES COLLECTED

Extra samples for  
histological examination:

-  
-  
-  
-  
-  
-

Extra samples for  
bacteriological examination:

-  
-  
-  
-  
-  
-

Other extra samples  
taken (list):

-  
-  
-  
-  
-  
-

Optional (if time and storage allows)

##### **Freeze at -20°C**

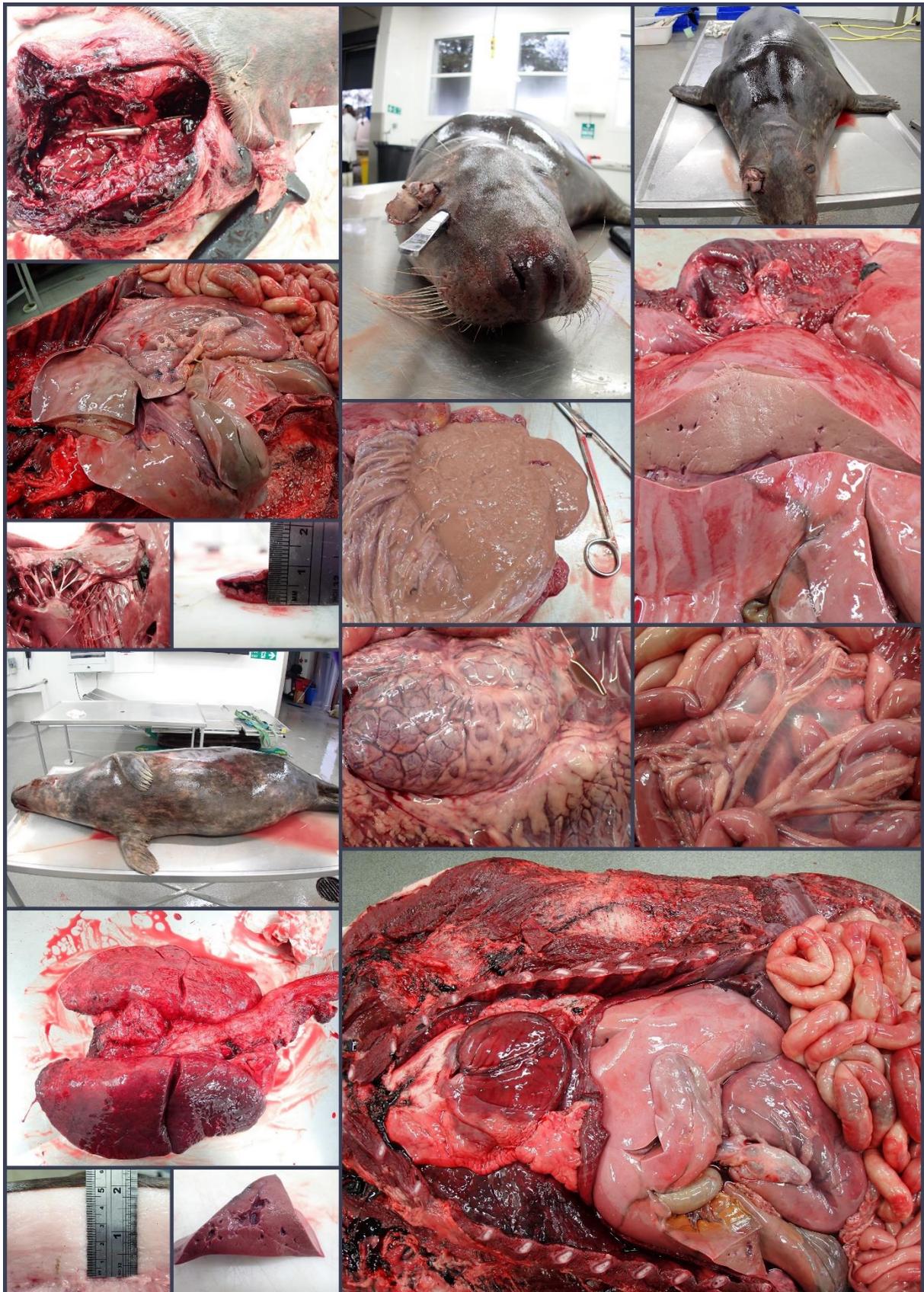
- foetus/placenta whole  
 milk up to 20 ml  
 claws 2 – 3

##### **Virology (freeze at -80°C) or RNAlater (freeze at -20°C)**

- pituitary section  
 cranial nerve section

##### **Fixed tissue**

- pituitary whole



## **6. BACTERIOLOGY REPORT**

Not processed as routine- known shot animal

## **7. HISTOPATHOLOGY REPORT**

Not processed as routine- known shot animal

## **8. OBSERVATIONS/COMMENTS:**

This adult male grey seal (*Halichoerus grypus*) was reported to SMASS as having been shot by Scottish Sea Farms (SSF) on the 17<sup>th</sup> October 2022. The report had initially been made to Marine Scotland by SSF on 14<sup>th</sup> October but the report had not been passed on to SMASS until after the weekend.

The report was as follows:

*"In accordance with Section 108 of the Marine Scotland Act 2010 I hereby notify that at approximately 1545 hours on 14 October 2022 a qualified holder of a firearms licence euthanized a seal at Wyre Marine Farm, Orkney. This action was undertaken in the presence of an independent qualified Veterinarian and an action taken to alleviate the suffering of the grey seal."*

The carcase was recovered for examination and the fish farm assisted in transporting the carcase to Northwards depot, Kirkwall where it was couriered to the University of Glasgow. The carcase arrived at UofG on the 24<sup>th</sup> October and was kept chilled until necropsy on the 28<sup>th</sup> October 2022

A request for information relating to this case was made to Marine Scotland, Wyre fish farms and the attending veterinarian. Responses provided are given in appendix 1 and 2 below.

### **Observations:**

The seal carcase was in moderate decomposition at the time of examination. The carcase was in fat body condition, with significant blubber and muscle coverage and significant visceral fat deposits, most notable around the heart, kidneys and mesentery. Postmortem change is likely to have impacted the gross observations to a mild extent. The animal had been feeding consistently and well, with remains of a recently ingested large salmonid fish in the stomach and ingesta throughout the intestinal tract. The liver was diffusely pale and greasy on cut-section, consistent with a degree of hepatic lipidosis as a result of a high fat diet. Aside from the ballistic trauma to the head there was no indication of acute or chronic trauma, the parasite burden was low and the animal overall appeared to have been in

excellent body condition. There was no significant infectious, traumatic or metabolic disease process evident on gross examination, suggesting the animal had been in good health.

The animal had been shot with a single bullet to the head. The bullet appeared to have entered the skull around the right zygomatic region on a parasagittal trajectory with significant ballistic trauma to the structures of the skull and brain. Based on the complete destruction of the cranial vault and intracranial haemorrhage it is likely that death was almost instantaneous.

**Comment:**

From a welfare perspective, this animal was killed almost instantaneously from a single shot to the head. It is highly unlikely it suffered as a result of being euthanised.

*Section 108 of the Marine Scotland Act 2010* allows for the taking of a seal's life on the basis of alleviate suffering (Appendix 3).

This animal appeared to be in excellent body condition with no clear underlying disease process and evidence of recent feeding. It is appreciated that the antemortem behavioural status of the seal cannot be assessed from pathological examination of the carcass, however, from the information which could be derived by gross post-mortem examination, there was no evidence the animal had been suffering whilst in the seal pen. It appeared to be feeding well and showed no evidence of stress or disease.

The animal entered the net on the 8<sup>th</sup> October, and euthanasia was made six days later. It does not appear that SSF attempted to seek advice during this time from rescue groups or those experienced in seal behaviour and response. Prior to electing to euthanize this animal it is unclear what further attempts were made to enable the seal to leave the pen. It was not explained why a temporary haul out solution could not be securely fixed in the pen in such a way as it avoided damage to the pen infrastructure. There was no video or photographic footage taken of the seal in the pen prior to euthanasia which could support the assertion the animal was suffering.

A request was made to Marine Scotland and SSF for details of any guidance or protocols for situations where seals are noticed free swimming within fish farms pens. This information was not available.

**9. DIAGNOSIS: SHOT**

**10. CAUSE OF DEATH: BALLISTIC TRAUMA (KNOWN)**

**11. CAUSE OF DEATH CATEGORY: TRAUMA**

**12. CAUSE OF DEATH CLASS: TRAUMA**

**13. CONFIDENCE IN DIAGNOSIS: 5**

Scottish Marine Animal Stranding Scheme  
Institute of Biodiversity, One Health & Veterinary Medicine  
University of Glasgow | Glasgow | G12 8QQ

Report last modified: 15/11/2022 10:37 by [Redacted]

Appendix 1: Wyre, 8 -14 October 2022, Seal Ingress Report  
Provided by email from [Redacted] , Scottish Sea farms

Wyre, 8 -14 October 2022, Seal Ingress Report

All SSF farms have seal defence nets installed. Wyre farm infrastructure includes nets designed to protect against seal ingress. SSF continue to investigate and trial latest available infrastructure and practices for seal management.

**Wyre Infrastructure:** Given the increased level of seal interest in the farm we were (and are) in the process of replacing some of these nets with the latest generation seal defence netting. This has led to the very unusual action of moving fish between pens within the farm to allow this additional infrastructure upgrade to occur. (noting that, wherever possible, handling of fish is an action we minimise on the ground of fish welfare)

Following an inspection of the nets on the first day of seal ingress to the pen, with no damage to our sidenet or top nets found, we concluded that the seals had entered over the handrail at the junction with the side net and top net area.

**Context Note:** Weather conditions at the farm increased risks of fish escape from routine seal egress practices we have successfully adopted across our farming estate. Winds and related choppy waters, mean that sidewalls can only be let down to encourage egress of a seal under supervision, when farmers are on-site and conditions can support the safe lowering of side netting. We have legal obligations in respect to preventing fish escapes and must operate to ensure that this does not occur.

In addition, for our temporary haul outs used to support seal welfare, we cannot leave a temporary structure within the pen unsupervised due to the added risk of damage & integrity to infrastructure which could result in an occurrence of fish escape.

Photographs: No photographs were taken during this incident. The attached photograph is for reference and is the haul-out and lowered side wall netting used at the Wyre site with proven success in other situations.

**Timeline:**

08/10/22/

- 3 seals observed in cage 12 during site checks 0830
- Side netting let down in two places to allow egress 0830-0930
- 2 seals left, one would not leave
- Divers checked netting for holes – none found. 1100 – onwards (side netting down)
- Seal not scared away by divers.
- Net washing vessel washed cage 12 in the hope noise and activity would coax seal out – unsuccessful. 01330
- No choice but to lace side netting back up at end of shift to prevent further seals joining the one in the cage. 1500

09/10/22

- Bad Weather precluded being on site

10/10/22

- Bad Weather precluded being on site

11/10/22

- Further unsuccessful efforts made to coax seal out of cage. 0830-0930 (Repetition of actions from 8<sup>th</sup>)
- Side net let down in multiple places. Several attempts made throughout the day. 1130-1230, 1400-1500
- In pen temporary haul out area provided

12/10/22

- As above

13/10/22

- As Above. Contacted Independent Vet to discuss the situation and agreed site visit at earliest opportunity to assess the situation.

14/10/22

- As above.
- Vet and Marksman attended 1500 hours.
- Virtual internal meeting to question & understand position held at 1515 hours, with independent Vet in attendance.
- Senior Management, following Vet advice, confirmed that the action to alleviate suffering through euthanising was required.
- Seal euthanised by qualified firearms licence holder. 1530-1630
- Seal carcase was recovered and stored at SSF secure facility.
- SSF formally notified Marine Scotland, APHA, CVO and Police Scotland via email of the action.



## Appendix 2: Incident Report for Seal trapped in Salmon Farm Pen – Friday 14th October 2022

Provided by [Redacted], [Redacted], Orkney

At around 5pm on Thursday 13<sup>th</sup> October I was contacted by [Redacted] from Scottish Seafarms to enquire if I would be willing to assist with an incident at their Wyre site where a seal was trapped in one of their salmon farm pens. Having assisted in similar situations previously they had approached me for advice and assistance. I discussed this situation over the telephone with [Redacted] and the history given was that several seals, thought to be five in total, were observed in a pen at the Scottish Seafarms

Wyre site on the morning checks of Saturday 8<sup>th</sup> October. On inspection the site workers had identified a large hole in the net where the seals had gained access into the salmon pen. The workers had tried dropping the side netting and encouraged the seals to vacate the pen. I was told all but one seal had quickly vacated the salmon pen over the walkway. However, despite continued attempts to encourage the last seal to vacate the pen, it had remained.

It was reported to me that throughout the day they had used various methods to try and encourage the seal out of the pen but were unsuccessful. Late Saturday afternoon they had been forced to leave the site due to poor weather and continued poor weather had meant they were unable to reach the site again until Tuesday 11<sup>th</sup> October. I was informed that during daylight on Tuesday, Wednesday and Thursday various methods had been used to try and remove the seal from the pen. The side nets were dropped and free access to an area for the seal to haul onto were made available. The seal had been given opportunity to vacate the pen but also the crew had used noise and the presence of boats, engines and divers to try and encourage the seal to leave the pen. The pen net had been lifted several times to crowd the fish and encourage the seal to vacate the pen and sweeper nets had been used to try and net the seal. Releasing the pen net was not a viable option due to the large number of fish and the risk of a large scale release of farmed salmon. My concern at this point was that this was the sixth day the seal had been present in the pen, of which 3 had been poor weather.

It was discussed that further attempts would be made on Friday morning but that I would attend with member of the Scottish Seafarms team on Friday afternoon if these had been unsuccessful.

On Friday morning I spoke with Scottish Seafarms again who advised the seal remained in the pen so I met the crew at 3.30pm and accompanied them to the site. I discussed with the crew again what attempts and techniques had been tried during the previous week and they described the same history as given to me the previous evening. At this point I also checked that Marine Scotland had been made aware of the incident and asked if they had provided any further advice or guidance, the crew reported that they had received no direct instruction or guidance other than to implement the techniques described above. During the journey I asked the crew members their observations of the seal's behaviour in the last week and they reported it had been very active initially but activity had reduced during the previous days, swimming slower in the water and showing less interest in the areas where the net was dropped.

On arrival at the pen the seal surfaced, I was able to observe the seal in the water. There was a gentle breeze and it was dry at the time so visibility was good. As I observed the seal in the water, no obvious wounds or injuries were apparent that would have explained why the seal was not making any attempt to vacate the pen. Movement in the water appeared normal yet slow with no sudden movements. I was unable to get closer than 10m to the seal and on approach it disappeared under the water. Having observed seals in similar situations previously I felt he was spending long periods of time under water without resurfacing. I was concerned that this was the seventh day the seal had been trapped in the

pen without the ability to lie down and rest.

Prior to the visit I had considered whether sedation to facilitate removing the seal could be an option, however administering this would have required darting. I considered darting through water was not a feasible option and had a high likelihood of failure. Even if successful the seal would be at risk of drowning if unable to be swiftly removed from the water.

Having assessed the seal and situation, I had a video meeting with the company head of environmental impact, the regional manager and area manager. We discussed again the attempts that had been made to release this seal from the pen. I advised that my primary concern was that the seal had been trapped in the pen for a considerable time, yet I was satisfied that the team had put great effort into their attempts to release the seal. The seal had now been trapped in the pen for up to 7 days and the forecast for the next 3 days was for poor weather preventing safe access to the pen. My sole consideration was for the ongoing welfare of the seal and in view of the circumstances I advised that in this particular case I felt that euthanasia was the most appropriate course of action. The other team members accepted my advice and agreed that as no alternative outcome appeared to be possible, euthanasia was in the best interests of the animal.

I considered the most humane method of euthanasia was for the seal to be shot with a firearm. Due to the situation presented to me, it would not have been possible to administer anaesthesia drugs reliably, safely or humanely to achieve euthanasia. Under my direct instruction a marksman euthanased the seal with one direct shot to the head. Following euthanasia, the crew retrieved the body of the seal from the pen. Manoeuvring the seal was done with great difficulty but the crew were able to secure the body in a net and it was hoisted from the pen with a crane. I inspected the carcass and was satisfied that the seal had been humanely euthanased. The body was then sealed in a transport box and I was advised would be transported to mainland Scotland for disposal. The difficulty in extracting the body from the pen following euthanasia confirmed that darting for anaesthesia was not a viable option.

My role in this incident was to assess the situation that had arisen and to ensure the welfare of the seal. Whilst I was unable to clinically examine the animal other than by visual observation, I was aware that seals normally haul out of the water to rest and it would be normal behaviour for a seal to spend many hours out of the water in any 24 hour period to aid digestion and temperature regulation. This seal had been trapped in the pen for up to 7 days and therefore had not been able to rest or exhibit normal behaviour of hauling out of the water. During this time the weather had been poor with very rough sea conditions and in my opinion the animal was likely to be exhausted and was only likely to become more so. Seven days is a very long time for a wild animal to be trapped, together with the stress caused by the legitimate attempts to secure its release over the previous few days. It had been observed as being slower in the water and I had observed him and was also concerned he was very tired. As the attending vet, my duty of care to this animal was to alleviate suffering but also that I had an obligation to prevent ongoing suffering. I am aware that, where a person is responsible for an animal, an offence would be committed if unnecessary

suffering was caused to the animal by them failing to take some action, where that person knew or ought reasonably to have known that the omission would cause, or would be likely to cause, suffering.

The seal had at this stage been trapped in the pen for 7 days, during this time it had endured poor sea conditions and repeated attempts of the crew to get it out of the pen. The forecast was for more poor weather and so I was concerned for the seal's welfare as there did not appear to be an alternative possible resolution. It was of my opinion that the seal was suffering and this was likely to worsen. For this reason, I advised euthanasia on welfare grounds.

[Redacted]

Appendix 3 : Marine Scotland Act 2010 Section 107-109.

<https://www.legislation.gov.uk/asp/2010/5/part/6/crossheading/offence-killing-injuring-or-taking-seals>

#### **107 Offence: killing, injuring or taking seals**

Killing, injuring or taking a live seal (intentionally or recklessly) is an offence.

#### **Commencement Information**

[1 S. 107](#) in force at 31.1.2011 by [S.S.I. 2010/230, art. 4\(a\)](#)

#### **108 Exceptions: alleviating suffering**

(1) It is not an offence under section 107 for a person to end a seal's life humanely (or to injure a seal when attempting to do so) if—

(a) it has been seriously disabled (otherwise than by the person's unlawful conduct),

(b) it has no reasonable chance of recovering, and

(c) ending its life—

(i) is the only satisfactory way to end its suffering, and

(ii) is not detrimental to the maintenance of the population of any species of seal at a favourable conservation status in their natural range (within the meaning of Article 1(e) of the Habitats Directive).

(2) It is not an offence under section 107 for a person to take a seal (or to kill or injure a seal when attempting to take it) if—

(a) it has been disabled (otherwise than by the person's unlawful conduct),

(b) it is (or is to be) taken only in order to—

- (i) tend it with a view to releasing it after it has recovered, or
  - (ii) release it after it has been tended,
  - (c) it is (or is to be) taken in a manner and in circumstances unlikely to cause the seal to suffer unnecessarily, and
  - (d) taking it—
    - (i) is the only satisfactory way to help it to recover, and
    - (ii) is not detrimental to the maintenance of the population of any species of seal at a favourable conservation status in their natural range (within the meaning of Article 1(e) of the Habitats Directive).
- (3) It is the duty of a person who kills, injures or takes a seal in a manner which is lawful by virtue of this section to report the matter to the Scottish Ministers as soon as reasonably practical after doing so.
- (4) Failure to comply with the reporting duty is an offence.

**Commencement Information**

[12S. 108](#) in force at 31.1.2011 by [S.S.I. 2010/230](#), [art. 4\(a\)](#)

**109 Exceptions: licensed activity**

It is not an offence under section 107—

- (a) to kill or take a seal in accordance with a seal licence,
- (b) to take a seal in order to, or to injure a seal when attempting to, kill it in accordance with a seal licence,
- (c) to kill or injure a seal when attempting to take it in accordance with a seal licence, or
- (d) to do anything in accordance with a licence granted under regulation 44 of the Conservation (Natural Habitats, &c.) Regulations.

**Commencement Information**

[13S. 109](#) in force at 31.1.2011 by [S.S.I. 2010/230](#), [art. 4\(a\)](#)