

Scamom Scotland, 18 June 2023

[Damning Post Mortem Report Exposes Illegal Killing of Seal by M&S supplier](#)

- Heavy fine and prison sentence for Scottish Sea Farms?
- Calls to close Wyre salmon farm in Orkney & for the RSPCA to withdraw certification
 - Scottish Sea Farms (Norskott Havbruk) is certified as RSPCA Assured
 - Killing of seals banned by the Scottish Government in February 2021



A [Freedom of Information disclosure by the Scottish Government](#) reveals the illegal killing of seals by M&S supplier Scottish Sea Farms (Norskott Havbruk) at the RSPCA Assured Wyre salmon farm in Scapa Flow, Orkney, in October 2022 and December 2021 [1].



“There was no evidence the animal had been suffering whilst in the seal pen,” [wrote the Scottish Marine Animal Strandings Scheme in a post mortem report dated 15 November 2022](#). “It

appeared to be feeding well and showed no evidence of stress or disease. The animal entered the net on the 8th October, and euthanasia was made six days later. It does not appear that SSF (Scottish Sea Farms) 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.”



“Based on a review of the available evidence, and discussions with colleagues from SMRU [Sea Mammal Research Unit] 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,” [wrote the Scottish Marine Animal Strandings Scheme in an email attaching the post mortem report dated 15 November 2022](#). “My opinion, there, 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 event.”

“We weren’t contacted by them (Scottish Sea Farms) ahead of the decision to shoot” [wrote a Scottish Government official \[name redacted\] in Marine Conservation in October 2022](#).

Scottish Sea Farms is [joint owned by the Norwegian companies SalMar and Leroy](#) and is called Norskott Havbruk – [which has traded under the name Scottish Sea Farms since 2001](#) – with the head vet ([Ronnie Soutar](#)) [acting as Chairperson of the Scottish SSPCA](#) from his [appointment in 2018 until he stepped down in June 2022](#). Scottish Sea Farms (Norskott Havbruk) is [certified as ‘welfare friendly’ via RSPCA Assured](#) and is [exclusive Scottish salmon supplier to M&S](#).

The [RSPCA’s latest policy condones the killing of seals by salmon farms](#) even though the killing of seals in Scotland [became illegal in February 2021](#) [2]. Trigger-happy Scottish Sea Farms

(Norskott Havbruk) – a [leading member of the trade body Salmon Scotland](#) - is [fully aware of the illegal nature of seal killing](#) [3].

In 2018, [M&S named the Scottish Sea Farms' team at Wyre in Orkney as its 'Outstanding Producer of the Year' in the Farming for the Future Awards 2018](#). The M&S award [cited 'Ethics' and praised the RSPCA Assured Wyre salmon farm for "developing a predator resistant containment system which reduced the number of seal attacks"](#). The Wyre salmon farm was only [established in 2015](#).

“It is scandalous that salmon farmers are still killing seals illegally,” said Don Staniford, Director of \$camon \$cotland who today (18 June 2023) [wrote to Police Scotland urging them to prosecute Scottish Sea Farms \(Norskott Havbruk\)](#). “Even worse, the Scottish Government - including the Chief Veterinary Officer - has aided and abetted Scottish Sea Farms in getting away with murder. The salmon farming industry and the Scottish Government have blood on their hands over the killing of seals in Scotland. It is crystal clear that Scottish Sea Farms have acted illegally and those responsible for the slaughter of seals must be held to account - under the letter of law that means a five year prison sentence and a whopping fine.”



“Consumers should boycott Scottish salmon - especially RSPCA Assured products sold by M&S who source exclusively from Scotland's #1 seal-killer*, Scottish Sea Farms. Whilst Grieg Seafood took the expensive 'last resort' step to remove all the farmed salmon via a wellboat to ensure the safe escape of a seal, trigger-happy Scottish Sea Farms shot an innocent seal illegally. Shame on Scottish Sea Farms and shame on RSPCA Assured and M&S for condoning the illegal killing of seals on salmon farms.”

* [Official data shows that Scottish Sea Farms is the #1 seal killer in Scotland](#).

Video footage shot by \$camon \$cotland at Shuna Point salmon farm operated by Scottish Sea Farms (Norskott Havbruk) in Loch Linnhe in May 2023 shows a seal following a work boat laden with dead farmed salmon: <https://vimeo.com/830142295>

Read more via the Daily Record: ['Gruesome' conditions at salmon farm linked to M&S slammed as images show skips full of dead fish](#)

Scottish Sea Farms (Norskott Havbruk) has a [long and shameful history of killing seals](#). Scottish Salmon Watch [reported in March 2021](#) on the killing of seals – including two seals killed at Wyre in Orkney and at other salmon farms operated by Scottish Sea Farms:

Species common	Date Found	Location	Local Authority	Findings	Findings for WEB
Grey seal	14/10/2020	Wyre Scottish Sea Farms	Orkney	Physical Trauma: Shot (Known)	Physical Trauma: Anthropogenic
Grey seal	28/05/2020	Wyre	Orkney	Physical Trauma: Shot (Known)	Physical Trauma: Anthropogenic
Grey seal	04/05/2020	Vidlin Scottish Sea Farms	Shetland	Physical Trauma: Shot (Known)	Physical Trauma: Anthropogenic
Grey seal	30/04/2020	Vidlin Scottish Sea Farms	Shetland	Physical Trauma: Shot (Known)	Physical Trauma: Anthropogenic
Seal (indeterminate species)	28/02/2020	Vidlin	Shetland	Physical Trauma: Shot (Known)	Physical Trauma: Anthropogenic
Grey seal	04/04/2020	Vidlin	Shetland	Physical Trauma: Shot (Known)	Physical Trauma: Anthropogenic
Grey seal	03/05/2020	Swarta Skerry Scottish Sea Farms	Shetland	Physical Trauma: Shot (Known)	Physical Trauma: Anthropogenic
Grey seal	24/03/2020	Swarta Skerry	Shetland	Physical Trauma: Shot (Known)	Physical Trauma: Anthropogenic
Grey seal	25/03/2020	Swarta Skerry	Shetland	Physical Trauma: Shot (Known)	Physical Trauma: Anthropogenic
Harbour seal (Common seal)	05/05/2020	Loch Linnhe Scottish Seafarms	Argyll and	Physical Trauma: Shot (Known)	Physical Trauma: Anthropogenic
Harbour seal (Common seal)	08/05/2020	Loch Kishorn Scottish Sea Farms	Highland	Physical Trauma: Shot (Known)	Physical Trauma: Anthropogenic
Harbour seal (Common seal)	28/03/2020	Isle of Shuna Loch Linnhe	Argyll and	Physical Trauma: Shot (Known)	Physical Trauma: Anthropogenic

Here's a [photo of a seal trapped in a salmon farm operated by Scottish Sea Farms at Swarta Skerry in Shetland in March 2020](#):



FOI Backgrounder:

The Scottish Government disclosed three documents via FOI on 19 May 2022 along with a covering letter:

[FOI disclosure 202200333363 - Documents in Scope - Redacted 19 May 2023](#)
[Intelligence on seals \(Scottish Government incident reports 2021 to 2022\)](#)
[Scottish Sea Farms Seal Ingress Report for Wyre salmon farm in Orkney \(October 2022\)](#)
[Scottish Government FOI letter Response-202300352521 19 May 2023](#)

Here's a summary:

'Intelligence' reports collated by the Scottish Government [detailed nine incidents involving seals found in fish farms between June 2021 and November 2022](#) – including at Wyre in Orkney (Scottish Sea Farms), Sian Bay in Loch Eriboll (Scottish Sea Farms), Greanem and Colonsay (Mowi), Lamdash Bay on the Isle of Arran (Bakkafrost), Airds Point in Loch Etive (Dawnfresh) and Loch Spelve on the Isle of Mull (Scottish Sea Farms):

Report Urn	Report Date	Intelligence Type	Content
INTEL/002595/2022	23/11/2022	Aquaculture	AQUACULTURE – FISH ESCAPE Intelligence received on the 16/11/2022 provides that On 15/11/2022 three seals were found in a cage at Owner - Dawnfresh farming Site - Airds Point Airds Point Etive 4 Loch Etive Trout Farm Inverawe Argyle PA351HU A hole was discovered in a net Net repaired immediately by divers No fish reported to have escaped. Intel Officer Note – Incident 0000128/2022
INTEL/002594/2022	23/11/2022	Aquaculture	AQUACULTURE – FISH ESCAPE Intelligence received on the 19/10/2022 provides that On 18/10/2022 two seals were found within pen 12 at Owner - Scottish Sea Farms Site name -Wyre Wyre Orkney Regional Office Scapa Orkney KW151SD the seals were encouraged out a hole around 300mm in diameter thought to be how the seal's entered. Net repaired immediately by divers No fish reported to have escaped. Intel Officer Note – Incident 0000126/2022
INTEL/002593/2022	23/11/2022	Aquaculture	AQUACULTURE – FISH ESCAPE Intelligence received on the 14/10/2022 provides that On 28/09/2022 a seal was found within a pen at Owner - Scottish Sea Farms Ltd Site - Sian Bay Sian Bay Loch Eriboll Port Chamuill Laid Lairg Orkney IV274UE The seal is thought to have entered between bottom of the handrail and headline on net (above water line) No fish reported to have escaped. Intel Officer Note – Incident 0000125/2022
INTEL/002592/2022	23/11/2022	Aquaculture	AQUACULTURE – FISH ESCAPE Intelligence received on the 14/10/2022 provides that On 05/10/2022 a seal was found within pen 1 Owner - Scottish Sea Farms Site name - Wyre Wyre Orkney Regional Office Scapa Orkney KW151SD The seal was encouraged out a hole around 300mm in diameter thought to be how the seal entered. Net repaired immediately by divers No fish reported to have escaped. Intel Officer Note – Incident 0000124/2022
INTEL/002591/2022	23/11/2022	Aquaculture	AQUACULTURE – FISH ESCAPE Intelligence received on the 14/10/2022 provides that On 05/10/2022 three seals were found within pen 12 at Owner - Scottish Sea Farms Site name -Wyre Wyre Orkney Regional Office Scapa Orkney KW151SD The seals were encouraged out a hole around 400mm in diameter thought to be how the seals entered. Net repaired immediately by divers No fish reported to have escaped. Intel Officer Note – Incident 0000123/2022
INTEL/002588/2022	23/11/2022	Aquaculture	AQUACULTURE – FISH ESCAPE Intelligence received on the 17/06/2022 provides that On 16/02/2022 a seal was found within cage 5 at Owner - Mowi Scotland Ltd Site Name – Greanem Colonsay Stob Ban House Glen Nevis Business Park Colonsay Argyle & Bute PH336RX, It is suspected that the seal gained entry through a 1m tear around 12 meters down thought to be caused by the froyer rings during the last passive grade. 15,00 – 20,000 Fish Escaped Net repaired on the same day. Intel Officer Note – Incident 000091/2022
INTEL/002586/2022	23/11/2022	Aquaculture	AQUACULTURE – FISH ESCAPE Intelligence received on the 18/02/2022 provides that On 15/02/2022 a seal was found within cage C9 at Owner -The Scottish Salmon Company Site Name – Lamdash Kingscross By Brodick Isle of Arran KA278RG after clawing at the stitching the seal gained entry to pen C9 Divers were on-site and assisted in removing the seal. No fish assessed to have escaped Intel Officer Note – Incident 000015/2022
INTEL/002521/2022	16/11/2022	Farmed Fish Escapes	FARMED FISH ESCAPES - LOCH ETIVE Intelligence received on 16/11/2022 provides that on 15/11/2022, three seals were found within a cage at Airds Point Etive 4 Loch Etive Trout Farm Inverawe Argyll PA351HU A hole was found and repaired.
INTEL/000362/2021	03/06/2021	Marine Licencing	A report has been received that a seal was shot inside a salmon cage in Loch Spelve on the 17th March 2021. It's pup was seen outside the cage. There is no information on what happened to the carcass. Also reported to Police Scotland.

A [68 page FOI disclosure from the Scottish Government dated 19 May 2023](#) included details of a seal killed in October 2022 by Scottish Sea Farms at their Wyre salmon farm in Scapa Flow in Orkney. A 'smoking gun' necropsy report (November 2022) from an official with the Scottish Marine Animal Stranding Scheme (name redacted) at the University of Glasgow stated:

“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, there, is the actions followed by Scottish Sea Farms do not fall under the exemptions listed under Section 108 of the Marine (Scotland) Act 2010”

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 14th October 2022, SMASS ref M569-22



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.

[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]

“We weren’t contacted by them (Scottish Sea Farms) ahead of the decision to shoot” wrote a Scottish Government official [name redacted] in Marine Conservation in October 2022:

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.

Here is the killer 'Seal Postmortem Report Form' dated 15 November 2022 detailing a post mortem carried out by a pathologist (name redacted) on 28 October 2022:

M569 /22

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)

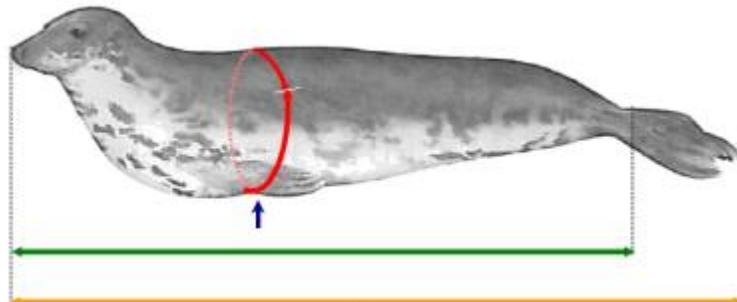
1. MORPHOMETRIC DATA

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

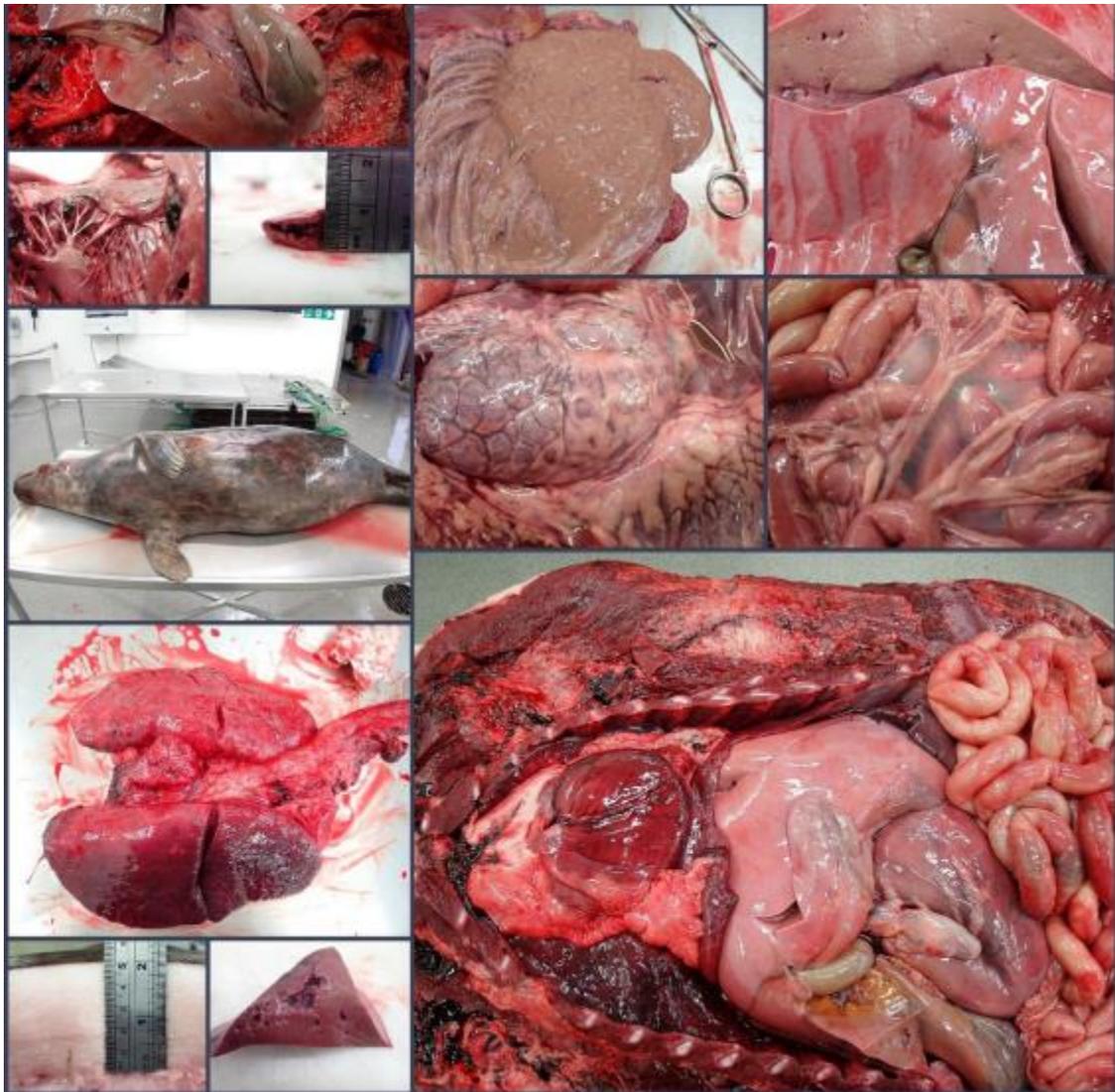
Spleen: NAD

Thymus: NAD Scant tissue, extensive lipid around thymus.

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

M569 /22





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 17th October 2022. The report had initially been made to Marine Scotland by SSF on 14th 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 24th October and was kept chilled until necropsy on the 28th 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 carcase, 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 8th 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]

An undated and redacted 'Incident Report' provided testimony from the attending vet who advised that the seal was killed:

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 13th 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 8th 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 11th 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]

Another document detailed the Marine Scotland Act 2010 Section 107-109:

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>

107Offence: killing, injuring or taking seals

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

Commencement Information

[11S. 107](#) in force at 31.1.2011 by [S.S.I. 2010/230](#), art. 4(a)

108Exceptions: 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\(a\)](#)

An official with the Scottish Marine Animal Stranding Scheme (name redacted) at the University of Glasgow wrote to the Scottish Government in October 2022: “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”:

From: [Redacted] <[Redacted]@glasgow.ac.uk>
Sent: 18 October 2022 11:43
To: [Redacted] <[Redacted]@gov.scot>; [Redacted] <[Redacted]@glasgow.ac.uk>
Cc: [Redacted] <[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.

An official with the Scottish Marine Animal Stranding Scheme (name redacted) wrote to Scottish Sea Farms in October 2022 asking for “more details as to events leading to the seal being shot” and “any other information, including images, which support or evidence your decision to euthanize this animal”:

From: [Redacted] <[Redacted]@glasgow.ac.uk>
Sent: Tuesday, 18 October 2022, 15:33
To: [Redacted] <[Redacted]@scottishseafarms.com>; [Redacted]
[Redacted] <[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 14th 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.

[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]

Scottish Sea Farms claimed in an email in October 2022 that they had “undertaken all actions” and argued that “the correct action to take was to euthanize the animal”:

From: [Redacted] <[Redacted]@scottishseafarms.com>
Sent: 14 October 2022 15:55
To: Palmer MR (Mike) <Mike.Palmer@gov.scot>; Voas S (Sheila) <Sheila.Voas@gov.scot>; [Redacted] <[Redacted]@apha.gov.uk>
Cc: [Redacted] <[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>; Pentland MK (Malcolm) <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 14th 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 13th October (voicemail) and that a brief discussion was held with the Chief Veterinary Officer on Thursday 13th 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.

Regards,

[Redacted]

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

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



In December 2021, a “suitably qualified marksman” killed another seal at the same salmon farm at Wyre in Scapa Flow, Orkney, operated by Scottish Sea Farms:

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

Hi folks,

[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]

The Scottish Government claimed that “the dispatch has been carried out for humane reasons in line with the regs and that “all due procedures appear to have been followed”:

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.

“There is a provision for alleviating suffering of a seal,” wrote a Scottish Government official (name redacted) in December 2021. “There is quite a high bar to satisfy”:

From: [Redacted] @gov.scot>
Date: Friday, 24 Dec 2021, 10:08 am
To: Cowan C (Caroline) <Caroline.Cowan@gov.scot>, Palmer MR (Mike) [Redacted] <Mike.Palmer@gov.scot>, [Redacted] @gov.scot>, [Redacted] @gov.scot>, [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

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.

An email in March 2021 from the Scottish Government referred to a provision for public health and safety but “there are likely to be very limited circumstances that this provision will apply”. “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”:

From: [Redacted] @gov.scot>
Sent: 19 March 2021 13:35
To: [Redacted] @gov.scot> [Redacted] @gov.scot>
Cc: [Redacted] @gov.scot> [Redacted] @gov.scot>
[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.

Caroline Cowan of the Scottish Government questioned the legality of seal killing in December 2021 when she asked: “I thought we couldn’t shoot seals anymore, or is this because it’s a welfare issue so we can?”:

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] <@gov.scot>, [Redacted]
 [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

 Scottish Government
 [Redacted]

Mike Palmer, Marine Scotland's Deputy Director for Marine Planning and Policy, referred to "the unavoidable situation of having to shoot the seal for its own welfare":

From: Palmer MR (Mike) <Mike.Palmer@gov.scot>
Sent: 23 December 2021 15:59
To: [Redacted] <[\[Redacted\]@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)>; [Redacted] <[\[Redacted\]@gov.scot](mailto:[Redacted]@gov.scot)>; MacKinnon D (Donna) <Donna.MacKinnon@gov.scot>; [Redacted] <[\[Redacted\]@gov.scot](mailto:[Redacted]@gov.scot)>; Voas S (Sheila) <Sheila.Voas@gov.scot>
Cc: Cowan C (Caroline) <Caroline.Cowan@gov.scot>; [Redacted] <[\[Redacted\]@gov.scot](mailto:[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.

Mike Palmer
Deputy Director for Marine Planning and Policy
marinescotland
Scottish Government | Area GB-South | Victoria Quay | Edinburgh EH6 6QQ

Whilst Scottish Sea Farms opted for the lethal route at Wyre salmon farm in both October 2022 and December 2021, Grieg Seafood took the trouble – and expense – of transferring the farmed salmon stock out of a farm in Shetland at East Papa Little in March 2021 to a wellboat “so that the seal could be removed” [note that [Grieg Seafood was bought by Scottish Sea Farms in June 2021](#)]:

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

Grieg Seafood explained in an email to the Scottish Government in March 2021 that it dropped the net and allowed the seal “to swim free unharmed”:

From: [Redacted] <[\[Redacted\]@griegseafood.com](mailto:[Redacted]@griegseafood.com)>
Sent: 22 March 2021 10:06
To: Marine Conservation <Marine_Conservation@gov.scot>; MS FishHealth <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.

Grieg emailed earlier in March 2021:

From: [Redacted]
Sent: 19 March 2021 15:33
To: Marine_Conservation@gov.scot
Cc: 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.

An email from the Scottish Government to the Cabinet Secretary for Rural Affairs and Islands (Mairi Gougeon) in June 2021 stated – in response to a media inquiry from The Ferret ([who wrote a news story on the illegal killing of a seal by Scottish Sea Farms in Loch Spelve](#)) - that “those found guilty of breaking the new laws could face a maximum penalty of five years’ imprisonment, an unlimited fine, or both”:

From: [Redacted] <[Redacted]@gov.scot>
Sent: 03 June 2021 10:33
To: Cabinet Secretary for Rural Affairs and Islands <CabSecRAI@gov.scot>
Cc: [Redacted] <[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>;
[Redacted] <[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>; [Redacted]
[Redacted] <[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>; [Redacted]
[Redacted] <[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>; [Redacted]
[Redacted] <[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>;
[Redacted] <[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>; [Redacted]
[Redacted] <[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>; [Redacted]
[Redacted] <[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>; [Redacted]
[Redacted] <[Redacted]@gov.scot>; Palmer MR (Mike) <Mike.Palmer@gov.scot>; [Redacted]
[Redacted] <[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>; [Redacted]
[Redacted] <[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>; Dobson L (Leanne)
<Leanne.Dobson@gov.scot>; Ingebrigtsen R (Ross) <Ross.Ingebrigtsen@gov.scot>; Nicolson S
(Stuart) (Special Adviser) <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.

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.”

Another email from the Scottish Government in May 2021 detailed the illegal nature of killing seals following changes to the law in February 2021 (which brought the killing of seals “in line with the most serious wildlife offences):

From: [Redacted] @gov.scot>
Sent: 25 May 2021 17:00
To: [Redacted] @gov.scot>; MS Communications <MS.Communications@gov.scot>;
Communications Rural Economy & Environment
<CommunicationsRuralEconomy&Environment@gov.scot>; [Redacted] @gov.scot>
Cc: Palmer MR (Mike) <Mike.Palmer@gov.scot>; [Redacted]
[Redacted] @gov.scot>; [Redacted] @gov.scot>; [Redacted]
[Redacted] @gov.scot>; [Redacted] @gov.scot>; [Redacted]
[Redacted] @gov.scot>; [Redacted] @gov.scot>; [Redacted]
[Redacted] @gov.scot>; Director of Marine Scotland Mailbox
<Directormarinescotland@gov.scot>
Subject: RE: Illegal killing of a seal in Loch Spelve by Scottish Sea Farms on 17 March 2021

Hi [Redacted] thanks for this and copying in [Redacted] from News on this directly as he had a number of queries on Loch Spelve over the last week from the Herald and colleagues on aquaculture/FHI side who have been involved in those queries for awareness.

Could we condense if necessary to the below?

A SG spokesperson 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. The changes to legislation provide enhanced protection for Scottish seals and also increases the penalties associated with the killing, injuring or taking of a live seal, bringing it into line with the most serious wildlife offences. Any potential offences should be reported to Police Scotland.

"We recognise that the sector has a duty to protect farmed fish from potential stress and injury caused by seal attacks which is we are progressing guidance for aquaculture businesses on seal predation, and have also commissioned research into non-lethal ways of managing seals around fish farms."

Background:

- The changes to the seal licensing system that came into force in February 2021 as part of the Marine (Scotland) Act 2010 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.

Information on seals sourced by the Scottish Government's Fish Health Inspectorate:

Further information on seals caught inside salmon farms was [published on 2 June 2023 via the Scottish Government's Fish Health Inspectorate](#) - including:

“Seals riding waves over the hand rail to gain access” (Swining Voe, Scottish Sea Farms: May 2023)

“Mortality reported is thought to be caused from a combination of seal predation and treatment loss from a recent mechanical treatment” (Quanterness, Cooke: January 2023)

“Primarily seal attacks (physical damage), some AGD/gill health related (secondary to stress from seals). Notification of mortality following observation of seal in pens. Bad weather suspected as reason for seal to enter pens through security panel above the water line due to abrasion of net on pen structure. Diver and ROV checks followed with no hole being discovered below surface” (Invertote, Organic Sea Harvest: January 2023)

“Post treatment moribunds are being targeted by seals” (Groatay, Mowi: July 2022)

“Seals seem to be targeting fish affected by gill issues” (Grey Horse Channel, Mowi: June 2022)

“Seal predation has increased and CMS confirmed on site” (Bight of Foraness, Scottish Sea Farms: May 2022)

“The majority of the mortality has been attributed to predation and presence of AGD. Site is in the process of changing nets to HDPE nets to try and reduce seal damage” (Grey Horse Channel, Mowi: May 2022)

“Heavy Seal predation. In process of changing over all nets to Seal Pro nets” (Etive 4, Dawnfresh: April 2022)

“Heavy seal predation and the worst affected pens are those with dyneema nets. All mortality removed had seal damage. The site is still in the process of moving over to seal pro nets” (Etive 4, Dawnfresh: March 2022)

“Heavy Seal predation still ongoing. Plans in place to replace all dyneema nets with seal pro nets by the end of April. Seal mortality ongoing” (Etive 4, Dawnfresh: February 2022)

“Site too tidal for predator nets. Cormorant and seal predation on site previous week” (North Voe, Grieg Seafood: January 2022)

“Seal presence around the site is elevated at this time of year. Site is implementing daily mortality removal and ensuring nets are well tensioned to deter seals. SealPro nets are also deployed on site” (Vuia Mor, The Scottish Salmon Company: January 2022)

Previous 'Mortality Event Reports' - [published online by the Scottish Government's Fish Health Inspectorate](#) – included the following cases:

“Contacted company biologist, increase in seal activity around the site, causing some stress. Sgeir Dughall has had seal pro nets installed and the ADD has been adjusted this has caused the seals to migrate to Aird” (Aird, The Scottish Salmon Company: April 2021)

“Kyles Vuia has SealPro nets on site, and so far they are working well. The seals are not accessing the fish, but they are present around the site and were spooking them, causing them to injure themselves. This has reduced in the last week or so, hopefully the seals are realizing they cannot get to the fish and are starting to clear off. The site, of course, has ADD's and nets are tensioned” (Kyles Vuia, The Scottish Salmon Company: February 2021)

“SealPro nets deployed, mortality occurring from seals spooking fish. DI got in touch with site contact to ascertain what measures will be put in place to reduce the chance of predator damage in the future” (Vuia Mor, The Scottish Salmon Company: February 2021)

“Seals spooking fish, fish burrowing/rubbing against nets” (Vuia Mor, The Scottish Salmon Company: January 2021)

“Fish being transferred into SealPro nets, and some biomass moved off site” (Portree, The Scottish Salmon Company: January 2021)

“6977 fish morts attributed to seal predation. Have seal pro nets on site but not allowed to use ADDs or predator nets due to conservation status of area. 4 seals have been dispatched the last one on 16th April. Since then weekly morts have dropped; 16/3 0.37%, 22/3 0.32%, 13/4 0.38%: last week reported 0.3% mortality for week. 489 were attributed to seal predation but it is hoped this is mainly historic damage” (Wyre, Scottish Sea Farms: April 2020)

“Seal pressure from Kyles of Vuia has shifted to East Loch Roag now that Kyles of Vuia has seal pro nets installed. Plan to install seal pro nets at Taranaish, (5 month waiting time) and in the meantime ADD's are being adjusted constantly, site staff are focusing on mortality removal, and problem seals are being identified for culling” (Taranaish, The Scottish Salmon Company: April 2020)

“Predation due to seals. New ADDs set up on site” (Vuia Mor, The Scottish Salmon Company: July 2019)

“Seal damage: Light were turned off as thought on this occasion that it was attracting seals” (Laura Voe, Scottish Sea Farms: February 2017)

“Seal damage. Last 4 weeks total morts 12678, 12288 attributed to seals. Add's are in place at the site and seal pro nets are being rolled out across the site. Reported as more than 4%” (Laura Voe, Scottish Sea Farms: April 2015)

Media Backgrounder: Lethal Scottish Salmon

This is not the first time that M&S and Scottish Sea Farms (Norskott Havbruk) have been named and shamed over the killing of seals – [in 2015 protestors targeted M&S in Edinburgh](#).



[Fury over seals shot dead at M&S salmon farms: Humane 'predator-proof' nets can be installed but are expensive](#)

[Marks & Spencer faces threat of 'zombie seal' protests over links to salmon farm with worst culling record](#)

[M&S Caught in Cross-Fire Over Seal-Killing on Scottish Salmon Farms](#)

[Protesters target Marks and Spencer over seals killed at salmon farms](#)



Scottish Sea Farms' Managing Director Jim Gallagher [claimed in a press release 2020](#): “We won't be happy until we achieve zero seal deaths, however our multi-million pound investment to roll out protective Seal Pro netting across as many of our farms as possible, as quickly as possible, is another example of our commitment to farm as responsibly and as sustainably as we can. Not only do the tougher, more rigid nets help to deter seals, but by protecting our salmon from the stress of predation and the subsequent health challenges that can cause they also contribute to fish welfare.”

Scottish Sea Farms' Head of Fish Health Dr Ralph Bickerdike [commented in the same press release in 2020](#): “In the hunt for food, seals are occasionally relocating from farms that have Seal Pro nets to nearby farms that have previously had no significant seal challenge, hence our drive to protect all farms. We've also seen seals climb up and into pens. Both types of event happened earlier this year, accounting for the two shootings which were carried out under licence.”

Scottish Sea Farms [continued via their press release in 2020](#): “Not to be deterred from the goal of zero seal deaths, farm teams are now lacing top nets together in a new way to help prevent the most persistent of seals from getting into pens. Earlier this year we witnessed a seal attempting to loosen the ties of a top net before diving unharmed back into the sea by slipping between walkway and Seal Pro netting.”



Scottish Salmon Watch [reported in March 2021](#):

Norwegian giant Scottish Sea Farms was responsible for the vast majority of the information disclosed but the company - who refer to the killing of seals as an 'execution' - does not appear to have a culture of taking photos.

From: (REDACTED) <@scottishseafarms.com>
Date: Sun, 10 May 2020 at 14:50
Subject: Seal Cull
To: (REDACTED) <@sruc.ac.uk>

I would like to report a seal cull (Site Co-ordinates - 57.3854 N 5.6142 W) on 08/05/2020. No photos have been taken during this execution.

(redacted)  **Scottish
Sea Farms**

The Scottish Marine Animal Strandings Scheme wrote in April 2020 (as [reported by Scottish Salmon Watch in March 2021](#)):

On Mon, 27 Apr 2020 at 10:27, (redacted) <@sac.co.uk> wrote:

We have had 14 reports the majority from Scottish Sea Farms Ltd. None were recovered and sent to us for necropsy none were sampled. Five animals, all grey seals were confirmed with photos, the remainder 9 were not. Details of all the cases are below.

10. Reported as harbour seal shot at Shuna, Loch Linnhe 09/01/20 grid ref NM 925497 no photos to confirm the species carcass sunk. Scottish Sea Farms Ltd.

11. Reported as grey seal shot at Swarta Skerry, Vidlin, Shetland 04/04/20 grid ref HU485676 no photos to confirm the species carcass sunk. Scottish Sea Farms Ltd.

12. Reported as harbour seal shot at Shuna, Loch Linnhe 03/04/20 grid ref NM 925497 no photos to confirm the species carcass sunk. Scottish Sea Farms Ltd.

13. Reported as grey seal shot at Wyne, Orkney 16/04/20 grid ref HY456253 no photos to confirm the species carcass sunk. Scottish Sea Farms Ltd.

14. Reported as grey seal shot at Swarta Skerry, Vidlin, Shetland 21/04/20 grid ref HU485676 no photos to confirm the species carcass sunk. Scottish Sea Farms Ltd.

Most of reports we receive are like this "I am writing to report the sinking of a seal carcass at Vidlin (Grid Reference - HU485676) on 21.04.2020. 1 Grey seal was culled using a single shot to the head by a licenced marksman – this has been reported to Marine Scotland and RSPCA. Unfortunately there are not photos available."

I always ask for a photo of the animal when we get a report, though as you can see they aren't particularly good at providing them.

Scottish Salmon Watch [reported in March 2021](#):

In May 2020 the Scottish Marine Animal Strandings Scheme wrote that salmon farmers "have no willingness, intention or, to be fair in some cases, capacity to collect any more detailed information". "In some cases we get photos of damaged stock or seals in the water but nothing at a resolution which can assess if these culls are being undertaken in adherence with regulations".

From: (REDACTED) <@sruc.ac.uk>

Sent: 10 May 2020 16:25

To: (REDACTED) <@gov.scot>

Subject: Fwd: Seal Cull

Hi (REDACTED)

And another one. I appreciate these reports are perhaps better collated and sent periodically as you suggested, but this report highlights the recurrent theme. Given the proforma nature of these reports, we asked if it may be possible to get more information from these cases. Short answer was no; they have no willingness, intention or, to fair in some cases, capacity, to collect any more detailed information. In some cases we get photos of damaged stock or, as you say, seals in the water, but nothing at a resolution which can assess if these culls are being undertaken in adherence with regulations.

All the best

(REDACTED)

(REDACTED)

Scottish Marine Animal Stranding Scheme

SRUC Northern Faculty

An Lòchran, Inverness Campus, IV2 5NA

(REDACTED)

Scottish Sea Farms were specifically asked to provide photographs:

From: (Redacted) <@sac.co.uk>
Sent: Monday, 4 May 2020 10:33 am
To: (Redacted) <@scottishseafarms.com>; (Redacted) <@sruc.ac.uk>
Subject: RE: Seal Carcass

Thank you for this report, as well as the report of the seal that was shot at Vidlin on the 30th April 2020.

The same grid reference is listed for both reports (HU485 676) which is at Vidlin. Would you be able to provide us with a new grid reference for this seal at Swarta Skerry when you get a moment please?

I do appreciate that at sea conditions make it difficult especially when carcasses sink, but if every attempt could be made to get some photographs of the shot seals so we can at least confirm the species next time that would be greatly appreciated.

Scottish Sea Farms claimed to "have encouraged all site managers to take photos prior to a cull":

From: (Redacted) <@scottishseafarms.com>
Sent: 04 May 2020 11:09
To: (Redacted) <@sac.co.uk>; (Redacted) <@sruc.ac.uk>
Subject: RE: Seal Carcass

Hiya,

My mistake the grid reference for Swarta Skerry is - HU473623.

I have encouraged all site managers to take photos prior to a cull and will continue to do so.

Kind Regards,
(Redacted)

Freya in the Orkney office of Scottish Sea Farms claimed that "the seal sunk before they had a chance to recover it and take photos" and SSF in South Shian claimed that "the site has very rarely seen the culprit of the damage so no photos have managed to be taken":

From: (redacted) @scottishseafarms.com>
Sent: 06 April 2020 11:46
To: (redacted) @sruc.ac.uk>
Subject: Re: Seal Carcass

Hi there,

Unfortunately not, the seal sunk before they had a chance to recover it and take photos.

Kind regards,
Freya

(redacted) | (redacted)
Scottish Sea Farms Ltd
Scapa Regional Office, Kirkwall, KW15 1SD, Orkney
Tel: (redacted)

From: (redacted) @scottishseafarms.com>
Sent: 06 April 2020 13:03
To: (redacted) @sruc.ac.uk>
Subject: RE: Seal Carcass

Good Afternoon

I am sorry the site has very rarely seen the culprit of the damage so no photos have managed to be taken.

Best Regards

(redacted)
[Scottish Sea Farms Limited](#)

The culling of seals at Scottish Sea Farms is sanctioned by RSPCA Assured (read the RSPCA's policy on condoning the killing of seals by salmon farms [online here](#)):

From: (redacted) <@scottishseafarms.com>
Sent: 30 March 2020 10:15
To: (redacted) <@sruc.ac.uk>
Cc: (redacted) <@scottishseafarms.com>
Subject: Seal Carcass

I would like to report the weighting and sinking of a seal carcass at Shuna (Grid Reference - NM925497) on 28/03/2020.

1 Harbour seal was culled using a single shot to the head by a licenced marksman – this has been reported to Marine Scotland and RSPCA.

If you have any questions please don't hesitate to ask.

Kind Regards,

(redacted) | (redacted)
[Scottish Sea Farms Limited](#)
Scapa Regional Office, Kirkwall, Orkney, KW15 1SD
Tel (redacted)



Scottish Salmon Watch [reported in February 2021](#) how Scottish Sea Farms was the #1 seal killer in Scotland:

Data Analysis - Lethal Scottish Salmon: the Norwegian-owned companies killing seals in Scotland! (1,000+ seals slaughtered between 2011 and 2020)



Summary:

Over 1,000 seals have been killed by salmon farms since 2011 according to official statistics [published online by the Scottish Government](#). Norwegian-owned company Scottish Sea Farms leads the slaughter with 235 seals killed followed by Norwegian giant Mowi (known as Marine Harvest until 2019) with 185 seals killed and The Scottish Salmon Company (the Norwegian Government is the largest shareholder) with 182 seals killed.

SEALS KILLED BY SALMON FARMS (2011 to 2020*) - as officially reported to the Scottish Government										
	Scottish Sea Farms	Mowi/Marine Harvest	The Scottish Salmon Co	Hjalteid/Grieg	Loch Duart	Cooke	Wester Ross	Kames	Others	TOTAL
2011	37	34	54	50	10		1	2	47	235
2012	45	10	30	50	20		1	2	33	206
2013	33	5	14	32	13		3	1	14	115
2014	31	7	14	7	13		4		10	88
2015	15	20	11		9	3	2	2	8	70
2016	14	26	2		12	8	2		1	65
2017	12	13	7	1	15	1				49
2018	11	24	6		2	9	2			54
2019	13	25	18		7	2				65
2020	22	15	17		5	1	2	1		63
TOTAL	235	185	182	140	106	20	17	8	113	1010

* Q4 2020 data missing

Download Excel spreadsheet summarizing the data [online here](#)

The Ferret [reported in September 2015](#):



Scottish Sea Farms, which supplies Lochmuir-branded salmon to Marks & Spencer, has shot the most seals since 2013



theferret.scot
 Mapped: every Scottish salmon farm that shot seals
 The naming of 75 salmon farms that have shot 180 seals around Scotland over the last two years has prompted calls for a consumer boycott

10:35 AM · Sep 2, 2015



In British Columbia, Canada, sea lions regularly become trapped and killed in salmon farms. Clayoquot Action [reported in December 2022](#):



Clayoquot Action
@ClayoquotAction

Sea Lions are trapped in multiple Cermaq [#fishfarms](#) near [#Tofino](#)

This morning, our field team spotted several [#sealions](#) trapped inside net pens at 2 farms.



In Scotland, 'Case Information' [published by the Scottish Government's Fish Health Inspectorate](#) has reported seals trapped in salmon farms. An [inspection of Mowi's Muck salmon farm in April 2022 reported](#):

During inspection, 2 fish in pen 7 were seen to have possible seal damage and were caught and humanely killed.

A seal was discovered in one pen on 22/10/2021, divers were called out same day and found a hole (122mm x 36mm) at a depth of 19m and repaired it. It was judged at the time that no escape or circumstances which gave rise to a significant risk of escape had occurred, therefore it was considered that the FHI was not required to be informed. Recommendations were made to review escapes reporting procedure including staff training, and a retrospective escapes notification has been submitted to the FHI.

Closing counts indicated that no escapes occurred as a result of this incident and the site now has double mesh nets on all pens along with seal blinds to aid containment.

Read more via:

[Mowi has not reported a seal killed at Groatay since March 2018 - how can a loose bullet casing survive over 4 years on a stormy salmon pen?!](#)

[The Ferret: "Bullet shell found at Western Isles fish farm"](#)

["Loose Bullet Casing" found at Mowi salmon farm - the £10,000 smoking gun to prosecute for illegal killing of seals?](#)

[Killer Photos - Sealed with a Kiss of Death from Scottish Salmon!](#)

[Blood Salmoney: Bonnie the Seal Mascot for COP26 is Dead in the Water!](#)
[Seals Blamed as Scapegoats by Bloodthirsty Scottish Salmon!](#)
[Sunday Mail: "Ex-MSP ridiculed for claiming seals are dangerous to humans"](#)
[The Ferret: "Police investigate allegation seal was illegally shot by fish farm"](#)
[RSPCA Sponsored Seal Killing Continues Despite US Ban?](#)
[Herald On Sunday: "Scottish M&S supplier blames seals for salmon wounds as RSPCA Assured status is suspended"](#)
[The Ferret: "£10,000 reward for information on illegal seal killing after police asked to investigate deaths"](#)
[£10,000 Reward Offered - Illegal Killing of Seals by Scottish Salmon Farms in the Cross Hairs!](#)
[FOI Disclosure: Seal Licence Breaches by Salmon Farms \(reply by Scottish Government on 1 April 2021\)](#)
[Photo Exclusive: Seals 'Executed' by Scottish Salmon](#)
[FOI disclosure from Scottish Marine Animal Strandings Scheme](#)
[Police Scotland refuse to name 112 marksmen licenced to kill seals!](#)
[Sunday Times: "Sharp rise in seal shootings blew hole in permit scheme - Officials were warned that salmon farmers 'had no willingness or intention' to collect detailed data"](#)
[Calling All Whistleblowers - Please pass on photos of dead seals killed at salmon farms!](#)
[Daily Mirror: "'Nearly 80 seals were legally shot in Scotland in 2020 – highest number in seven years'"](#)
[Scottish Salmon's #1 Seal Killer - Norway's 'Scottish' Sea Farms Named & Shamed!](#)
[Official Data: 1,000+ seals killed by salmon farms since 2011!](#)
[The Ferret: "Salmon companies rapped for breaking rules on shooting seals"](#)
[Caught in the Cross-Hairs: Illegal Killing of Seals by Scottish Salmon Farms!](#)
[FOI opens sealed documents on killing by salmon farms](#)
[Greedy Salmon Farmers Demand £13 Million Compensation for Seal Attacks!](#)
[£5,000 reward offered for information on illegal shooting of seals](#)
[Victory Sealed After 50-Year Campaign - But the Battle to Save Marine Mammals from Salmon Farms Continues!](#)
[The Guardian: "Scottish salmon farmers to be banned from shooting seals"](#)
[Photo Gallery: Seals Against Salmon Farms!](#)
[Caught Between the Devil & the Deep Blue Sea](#)
[The Ferret: "Seal scarers used by fish farms branded 'sonic torture'"](#)
[Seal shooting at salmon farms doubles before ban](#)
[Ban on seal shooting must be watertight](#)
[Greens want ban on seal scarers](#)
[Seals in the Cross-Hairs of the Scottish Parliament](#)
[Scottish Salmon's Slaughter of Seals Has Not Stopped!](#)
[Sunday Herald: "Revealed: Scottish Government bid to exempt salmon farming from US seal-killing ban"](#)
[RSPCA in firing line over Marine Harvest's seal-killing spree in Scotland - 118 seals killed by Marine Harvest's RSPCA Assured farms since 2011](#)
[Marine Harvest: Scotland's #1 Seal Killer](#)
[All At Sea: Seal-Killing Salmon Farms](#)
[Scottish Salmon Blinded by Seal Killing](#)
[The Two Billion Dollar Salmon Ban](#)

[Closing the Net On 'Seal-Friendly' Scottish Salmon - last orders on the RSPCA's abuse of 'last resort' killing of seals?](#)

[Seal shooting by fish farms to be banned to save exports to US](#)

[Cecil the Seal Killers Named & Shamed in Scotland - Call for Boycott of "Seal Unfriendly" Scottish Salmon](#)

[Media Splash for Seal-Killing Salmon Farms!](#)

[VICTORY: Disclosure of Seal-Killing Salmon Farm Data Ordered by 21 August](#)

[Scottish Salmon's Secret Seal Killers! - FOI refusal prompts call for boycott of farmed salmon](#)

[Lethal Scottish Farmed Salmon: Serial Seal Killers Named & Shamed!](#)

[Scottish Salmon's Seal Killers Named & Shamed!](#)

Contact:

Don Staniford: 07771 541826 (salmonfarmingkills@gmail.com)

Notes to Editors:

[1]

From: <casehandling.service@gov.scot>

Date: Fri, May 19, 2023 at 4:21 PM

Subject: Your recent correspondence with Scottish Government and partner agencies - 202300352521

To: <salmonfarmingkills@gmail.com>

Please find attached a response to your correspondence.

4 Attachments • Scanned by Gmail ⓘ



Here is the [FOI reply dated 19 May 2023](#) from the Scottish Government:



Don Staniford
salmonfarmingkills@gmail.com

Our Reference: 202200333363
Your Reference: FOI re. seals & salmon farms since 1 February 2021

19 May 2023

Dear Don Staniford,

Further to my letter of 20 April 2023 I have now completed my review of our failure to respond to your request under the Environmental Information (Scotland) Regulations 2004 (EIRs) for:

"Please provide information on seals and salmon farms since 1 February 2021.

Please include photos, videos, letters, emails and any other documents in relation to seals and salmon farms.

Please include data and information on any seals trapped, shot, killed and injured at and close to salmon farms.

Please include any warning letters, prosecutions, Marine Scotland Compliance involvement, Police Scotland involvement, US MMPA reference, Cabinet Briefings, press discussions and any other information relating to seals killed/injured/impacted by salmon farms.

Please include any reference to The Ferret, Mowi, The Sunday Times and any other media discussion of seals and salmon farms.

Please provide the information electronically."

We wrote to you on 20 December 2022 to seek clarification on the scope of your request in order to help us locate the information you require. We asked you to confirm the following:

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

St Andrew's House, Regent Road, Edinburgh EH1
3DG
www.gov.scot



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“Are you seeking all information held by Scottish Government on seals and salmon farms since 1 February 2021 or are you specifically seeking data and information on any seals trapped, shot, killed and injured at and close to salmon farms including warning letters, prosecutions, Marine Scotland Compliance involvement, Police Scotland involvement, US MMPA reference, Cabinet Briefings, press discussions and any other information relating to seals killed/injured/impacted by salmon farms, including any reference to The Ferret, Mowi, The Sunday Times and any other media?”

You provided clarification to us on 5 January 2023 to confirm that it was the latter of the above that you were interested in (highlighted in bold above) for the period from 1 February 2021 to the date of your request (8 December 2022) inclusive.

In accordance with regulation 16(3)(b) of the EIRs, I have also reached a decision on your request.

We would like to apologise for the delay responding to your request, which was due to a combination of factors. This request involved cross-divisional working that required coordination of responses and searches from a number of different individuals across a number of teams. Furthermore, leave arrangements over the Christmas and New Year period also had an effect on the collation of responses. The scope and wording of the request meant that a high number of documents were captured in our initial search. As you will appreciate, ensuring these documents received a thorough review, including considering the views of the third parties who provided some of the information took up a substantial amount of staff time. High workloads of staff also meant that handling took longer than usual.

I can now provide our response to your original request.

Response to your request

As the information you have requested is 'environmental information' for the purposes of the Environmental Information (Scotland) Regulations 2004 (EIRs), we are required to deal with your request under those Regulations. We are applying the exemption at section 39(2) of the Freedom of Information (Scotland) Act 2002 (FOISA), so that we do not also have to deal with your request under FOISA.

This exemption is subject to the 'public interest test'. Therefore, taking account of all the circumstances of this case, we have considered if the public interest in disclosing the information outweighs the public interest in applying the exemption. We have found that, on balance, the public interest lies in favour of upholding the exemption, because there is no public interest in dealing with the same request under two different regimes. This is essentially a technical point and has no material effect on the outcome of your request.

I enclose a copy of most of the information you requested in the format you asked for. This comprises of 17 documents numbered 1 to 17.

Documents 9 and 16 have been released to you in full.

In respect of documents 1 – 8 (inclusive), 10 – 15 (inclusive) and document 17, an exception under regulation 11(2) of the EIRs (personal information) applies to some of the information requested because it is personal data of a third party and disclosing it would contravene the data protection

principles in Article 5(1) of the General Data Protection Regulation and in section 34(1) of the Data Protection Act 2018. This exception is not subject to the 'public interest test', so we are not required to consider if the public interest in disclosing the information outweighs the public interest in applying the exception.

In respect of documents 7 and 8, an exception under regulation 11(1) of the EIRs (personal information) also applies to references to your own name in the emails of 25 May 2021 (09:28) and 24 May 2021 (12:39) respectively because this is personal information of which you are the data subject, and so it is subject to the General Data Protection Regulation (GDPR) and the Data Protection Act 2018. This exception is not subject to the 'public interest test', so we are not required to consider if the public interest in disclosing the information outweighs the public interest in applying the exception.

Appeal to the Commissioner

If you are unhappy with the outcome of this review you have the right to appeal to the Scottish Information Commissioner about our decision within 6 months of receiving this letter. Information on how to make an appeal, along with an application form, is available on the Commissioner's website at: [Appeal to the Commissioner | Scottish Information Commissioner \(itspublicknowledge.info\)](https://www.itspublicknowledge.info)

You can also contact the Commissioner at:

The Scottish Information Commissioner
Kinburn Castle
Doubledykes Road
St Andrews
Fife
KY16 9DS

E-mail: enquiries@itspublicknowledge.info

Telephone: 01334 464610

Should you then wish to appeal against the Commissioner's decision, there is a right of appeal to the Court of Session on a point of law only.

Download as a PDF online via [Scottish Government FOI letter Response-202300352521 19 May 2023](#)

One PDF document disclosed a ['Seal Ingress Report' for Wyre salmon farm \(Scottish Sea Farms\) in Orkney in October 2022](#):

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 8th)
- 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 carcass was recovered and stored at SSF secure facility.
- SSF formally notified Marine Scotland, APHA, CVO and Police Scotland via email of the action.



Download as a PDF online via: [Scottish Sea Farms Seal Ingress Report for Wyre salmon farm in Orkney \(October 2022\)](#)

[2] Here's the latest RSPCA salmon standards [published in February 2021](#):

Protection from other animals

NEW



From 1st March 2021, the killing of seals by the salmon industry in Scotland will be prohibited by law.

The Scottish Parliament has also commissioned a review into the use of acoustic deterrent devices (ADD/ASDs) to be concluded by March 1st 2021. This review will inform any decision that the government may make in terms of future plans for legislation regulating the use of these devices. If new legislation comes into force regarding the use of acoustic deterrent devices, the standards may be amended accordingly.

NEW



The shooting of seals is against the principles of the RSPCA welfare standards.

However, at the present time, it is acknowledged that as a last resort only, i.e. when all available non-lethal deterrents have been effectively deployed and the welfare of the fish is being compromised (i.e. they are being attacked), it may be necessary to use a lethal measure to safeguard the welfare of the fish.

The RSPCA continues to examine new non-lethal methods of controlling predators around salmon farms and is aiming to reach a position whereby the shooting of seals is never necessary.

HP 7.0 **NEW** The shooting of seals is not permitted, other than in exceptional circumstances (see i box below) and when all required non-lethal deterrents have been effectively deployed (see relevant Standards below), i.e. as a last resort.

NEW



An 'exceptional circumstance' is defined as an unexpected/unforeseen event, such as the unavoidable failure of nets, ADDs/ASDs (Acoustic Deterrent Devices/Acoustic Startle Devices), systems or other equipment used to protect the fish from seals due to extreme weather or human error, and where a seal is found to be in the act of attacking the salmon.

HP 7.1 **NEW** Humane precautions must be taken to protect salmon from other animals that could cause them harm, including bringing in disease

HP 7.2 **NEW** The producer must fully detail the methods used to protect the fish from other animals in the Predator Control Plan.

HP 7.3 **NEW** The primary means of protecting the fish must be through physical exclusion, by denying other animals access to tanks and enclosures.

HP 7.4 **NEW** Enclosure nets must be fully tensioned and weighted to prevent distortion, taking into account local conditions such as currents, tides flows etc.

HP 7.5 **NEW** Enclosure nets, including predator top nets, must be checked:

- a) at least weekly, for holes and fouling, and maintained in good order
- b) daily, for any trapped wild animals, which must be removed without delay from the time that they are first observed.

HP 7.14 **NEW** The producer must be able to demonstrate that all of the procedures leading up to the point of last resort have been mobilised.

HP 7.15 **NEW** Prior to being shot, the individual seal responsible for attacking the fish on the site must be positively identified.

HP 7.16 **NEW** All attempts must be made to recover the body of the animal that has been shot, and it must be recorded whether the body was recovered or not.

HP 7.17 **NEW** Any dead wildlife carcasses must be disposed of in accordance with legal requirements.

HP 7.18 **NEW** Where it becomes necessary to humanely dispatch a seal as a last resort, the following records must be kept:

- a) Names of all persons with valid firearms certificates who are deemed competent to perform the task
- b) Details of any bullets used and returned to the ammunition register, if shot by an employee
- c) Details of any animal that has been shot, including:
 - i) The species
 - ii) The time and date of dispatch
 - iii) The location
 - iv) The reason for the shooting
 - v) The number of fish killed before resorting to the lethal method
 - vi) The number of fish on site
- d) If an external marksman is used, an employee must be there to record when a shooting takes place.

HP 7.19 **NEW** For members of a farm assurance scheme, all required details relating to seal shootings must be provided to the scheme in the required format (see Appendix 4) within 72 hours of a shooting having taken place; details must include information relating to HP 7.16.

NEW



The assurance scheme should review the information relating to HP 7.19 and visit the site to establish further details and inform decisions around compliance.

HP 7.20 **NEW** After every shooting incident, a review of all predator exclusion procedures must be undertaken and records kept of such reviews.

Here's a [copy of RSPCA Assured's seal culling 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 and malcolm.johnstone@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 forby:..... Date: dd/mm/yy

[3] Here’s a [web-page on ‘Co-Existing with Marine Life’ published by Scottish Sea Farms:](#)

Protecting farmed fish from predation

Preventing seal predation of farmed fish stocks begins with good husbandry practices, including:

- Net tensioning to reduce all possible entry points
- Regular removal of any fish mortalities so as not to encourage seals
- Extra observation procedures for at least seven days following seal predation.

Until recently, there were two additional measures that Scotland's salmon farmers could deploy to protect their stock from predation by seals.

A changing landscape

Previously, where predating seals persisted beyond all other protective measures in place and endangered the lives of farmed salmon, growers had the option of requesting that the seal be shot; a last resort measure that would be carried out under licence by an external marksman.

As of 31 January 2021, this last resort measure was removed under the Animals and Wildlife (Scotland) Act.

Next generation netting systems

Recent years have seen us introduce new high density polythylene (HDPE) netting systems - some costing three times that of traditional nylon netting - at those of our farms most likely to suffer a significant seal challenge.

Unlike softer nylon netting which hungry seals push their snouts against in the hope that salmon will swim close enough for them to grab, HDPE netting has an altogether tougher surface.

Secured in place by an intricate system of weights or circular sinker tube to increase tension, this more rigid, tougher surface is proving highly effective in deterring seal predation at many of our farms.

On some occasions where we've installed HDPE netting however, we've seen seals relocate to another farm where there had previously been no seal challenge. The goal now is to roll-out the new netting systems to each and every farm; something that's best done ahead of each new crop so as not to risk stressing the fish.

On other occasions, we have seen [persistent seals](#) climb up and into pens so our farmers are now lacing together top nets in a new way.

We are constantly learning and continually adapting our farming practices, but the end goal remains the same - to keep farmed salmon stocks and seals safely separate.