

Roseanna Cunningham MSP  
Cabinet Secretary for Environment, Climate Change and Land Reform  
Room T3.07, The Scottish Parliament  
Edinburgh  
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Dear Cabinet Secretary

**Management of increasing marine wildlife tourism**

We are writing to detail the concern we outlined in the recent Scottish Environment LINK meeting, when Ian Jardine committed to look into this for us. We look forward to taking discussions forward and specifically, we would like to meet to discuss management and training of the commercial marine wildlife tourism industry to ensure growth of the sector is sustainable and not at the expense of our marine life, to include licensing or equivalent and enforcement in key habitats such as the Moray Firth bottlenose dolphin Special Area of Conservation and other marine wildlife-watching hotspots in Scotland.

Scotland has growth aspirations for marine tourism<sup>1</sup>. Commercial and recreational marine wildlife tourism is increasing<sup>2</sup>, including swimming with basking sharks and visits to nesting seabird colonies, and with this comes the potential for increasing levels of disturbance of marine mobile species.

The Scottish Marine Wildlife Watching Code has recently been updated, and Scottish Environment LINK contributed to this update. The Code is helpful and could usefully be promoted more widely to educate recreational marine users and commercial operators alike. WiSe training exists for commercial marine

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<sup>1</sup> See 'Awakening the Giant: A strategic framework for Scotland's Marine Tourism Sector'

<sup>2</sup> For example: <https://www.researchgate.net/publication/317284576> The development and value of whale-watch tourism in the west of Scotland

wildlife operators to minimise disturbance, educating operators to be aware of the existing law and all operators should be required to undertake WiSe training. Recreational users are also invited to participate in WiSe training. WiSe have created a public version that is delivered to yacht clubs, marina berth holders, dive clubs, kayakers and others to get the core messages out to the wider public in a digestible and effective way and that should be encouraged and widely promoted. In addition, commercial wildlife operators could be given advice on the types of vessel that are most appropriate in terms of minimising underwater noise, disturbance and collision risk.

Currently there is no formal oversight of the number of boats being operated by commercial marine wildlife watching companies and no regulation to monitor boat behaviour and levels of boat tourism, or to monitor and manage potential marine wildlife tourism impacts in Scotland. With increasing tourism attention on Scotland's mobile species, oversight and management of the industry is now required.

Whilst management of marine wildlife tourism is lacking throughout Scotland's seas, there may be a case to implement stricter measures within MPAs and other areas of local pressure. The Moray Firth bottlenose dolphin Special Area of Conservation is a case in point. The Habitats Regulation offers 'strict protection' to cetaceans and Natura 2000 designations are managed in a precautionary way, where scientific integrity needs to be demonstrated before activities can occur. Aberdeen University have calculated that the commercial dolphin watching industry may be at capacity in the SAC. Despite this, there is an apparent increase in the number of boats operating, with no mechanism to monitor boat numbers, no mechanism to monitor impacts or to put a cap in place at any point should it be required. The SAC is therefore not being managed in a precautionary way – and there is no way that required 'strict protection' can be enforced if there is no way to tell what the disturbance might be. All of the existing commercial dolphin-watching operators are in agreement that licensing of the industry in the Moray Firth is required.

Putting licensing measures or other appropriate management in place in the Moray Firth to protect the bottlenose dolphins could set a precedent for robust management of other marine wildlife-watching hotspots in Scotland, such as minke whales in the Inner Hebrides. This would put the wildlife-watching industry on a more level playing field with other marine sectors.

We are pleased that the Dolphin and Porpoise Conservation Strategy is going to address marine tourism and we look forward to continuing to contribute to the development of the Strategy. We understand that the Strategy is UK wide and designed to establish priority areas for action, and so cannot replace management measures required at a local level, such as those required, urgently, to deal with tourism pressure in the Moray Firth bottlenose dolphin SAC and throughout their range or for other mobile species.

Considering implementation of tourism measures within MPAs, we look forward to a further round of MPA and Natura designation consultations for the full range of mobile species included in the network and the range of pressures that they face, to include recreational and commercial tourism.

In summary, the Scottish Marine Wildlife Watching Code is helpful and could usefully be promoted more widely to educate recreational marine users and commercial operators alike. In addition, going forward WiSe training should be a requirement for all commercial marine wildlife operators so that they understand the law and can minimise disturbance. Finally, licensing of the commercial marine wildlife tourism industry is required and would enable monitoring of trends in the industry and appropriate management and should be implemented forthwith.

We would welcome the opportunity to meet with you to discuss these issues further.

Yours sincerely

A handwritten signature in black ink that reads "Sarah Dolman". The signature is written in a cursive, flowing style.

Sarah Dolman  
Deputy Convener, Scottish Environment LINK Marine Group

On behalf of:  
Hebridean Whale and Dolphin Trust  
Marine Conservation Society  
National Trust for Scotland  
RSPB Scotland  
Royal Zoological Society of Scotland  
Scottish Wildlife Trust  
Whale and Dolphin Conservation  
WWF Scotland