

Consultation list

Trondheim, 3 September  
2021

Your ref.:

Our ref. (please state in your reply):  
2021/9496

Official in charge:  
Hege Langeland

## Discussion of proposed amendments to the Svalbard Environmental Protection Act and associated regulations

On behalf of the Ministry of Climate and Environment, the Norwegian Environment Agency is distributing for comment the proposed amendments to the environmental regulations in Svalbard. The proposals entail new rules on access and passage in the natural environment and sea-based tourism. The purpose of the amendments is to ensure that vulnerable wilderness and cultural remains in Svalbard are protected in line with the environmental objectives of the archipelago. The amendments to the environmental regulations will reduce the overall impact on the environment at a time when climate change, access and passage and other influencing factors together increase the pressure on the environment in Svalbard.

### Background

Svalbard is one of the last wilderness areas in Europe. Preserving the distinct characteristics of the wilderness in the area is one of several overriding objectives for the Svalbard policy, most recently laid down in Meld. St. 32 (2015-2016) (white paper).

The Arctic environment is extremely vulnerable, and it is a statutory objective to maintain a virtually intact environment on Svalbard in terms of continuous wilderness, landscape, flora, fauna and cultural remains. Climate change has led to a temperature increase that is twice as fast in the Arctic as the global average. At the same time, in the last 10 years, up until the Covid-19 pandemic, there has been a sharp growth in tourism and traffic.

The current regulations were drawn up at a time when there was considerably less traffic than today, and climate change was at a different level. Among other things, there is limited regulation of landings in connection with tourist activities and these can largely take place anywhere on the archipelago. Our knowledge of how climate change affects nature and cultural remains and increased traffic indicates that the current regulations are no longer sufficient to ensure

development in line with the environmental objectives. Therefore, new regulations are necessary to preserve the vulnerable wilderness and at the same time a prerequisite if Svalbard is to be preserved as an attractive destination in the future when the volume of traffic increases after the pandemic.

The proposals have been detailed in the consultation paper "Amendments to the Svalbard Environmental Protection Act and associated regulations relating to nature conservation areas, motor traffic, camping activities and area protection and regulation of access to Virgohamna".

The consultation paper has the following main chapters:

- The main features of the consultation proposal (Chapter 2)
- Distinct characteristics of the environment in Svalbard (Chapter 3)
- Status and development in tourism (Chapter 4)
- Knowledge about the impact on the natural and cultural environment (Chapter 5)
- Sea-based tourism and access and passage on land (Chapter 6)
- Protection of polar bears (Chapter 7)
- Motor traffic (Chapter 8)
- Camping activities (Chapter 9)
- Use of unmanned remotely operated devices (drones), etc. (Chapter 10)
- Summary of the most important consequences of the proposals (Chapter 11)
- The prerequisites for successful implementation (Chapter 12)

## Overview of the consultation proposals

The specific consultation proposals are:

- Regulation of landing in connection with tourist activities and staying on land in connection with such landings at Ossian Sars, Northeast Svalbard and Southeast Svalbard Nature Reserves and South Spitsbergen, Forlandet, Northwest Spitsbergen, Van Mijenfjorden and Indre Wijdefjorden National Parks. (Discussed in Section 6.4. of the Consultation Paper)
- Repeal the requirement that tour operators have approved site-specific guidelines before landing at certain localities. (Discussed in Section 6.5.1. of the Consultation Paper)
- Repealed prohibition of access to Habenichtbukta and the requirement of a permit from the Governor of Svalbard for access to Virgohamna. There will be conditions related to landing and access due to the proposed regulation of landings in connection with tourist activities. (Discussed in Section 6.5.2 of the Consultation Paper)
- Ships sailing in protected areas can have a maximum of 200 passengers on board. (Discussed in Section 6.6 of the Consultation Paper)

- Requirements for all access and passage on land in protected areas to prevent wear and tear to the terrain and cultural remains and disturbance of the wildlife. (Discussed in Section 6.7 of the Consultation Paper.)
- Tightening of the prohibition against seeking out polar bears and a requirement of maintaining a minimum distance of at least 500 metres. (Discussed in Section 7 of the Consultation Paper.)
- Prohibition against motor traffic on sea ice after 1 March at Billefjorden, Tempelfjorden and Van Keulenfjorden for visitors and permanent residents, and prohibition against motor traffic on sea ice after 1 March at Dicksonfjorden for visitors. Several exemptions are made. This includes the permanent residents and visitors' need to travel between areas and to cabins. (Discussed in Section 8.2. of the Consultation Paper.)
- Prohibition against breaking fast ice and ice that is about to form, except for fairways into the ports of Longyearbyen and Barentsburg, for supplies to Ny Ålesund and the Norwegian Coast Guard performance of necessary tasks. (Discussed in Section 8.3. of the Consultation Paper.)
- A speed limit at sea of 5 knots in an area of 500 metres from selected bird cliffs in the period from 1 April to 31 August. (Discussed in Section 8.4. of the Consultation Paper.)
- Traffic at sea shall maintain a minimum distance of 300 metres from walrus haul-out sites. (Discussed in Section 8.5. of the Consultation Paper.)
- Prohibition against the use of underwater vehicles. (Discussed in Section 8.6. of the Consultation Paper.)
- Duty to apply for permission to drive on bare ground in land-use areas for building and construction activities on cabins (Discussed in Section 8.7. of the Consultation Paper.)
- The use of electric bicycles on snow-covered and frozen grounds will be permitted in the same areas as the use of snowmobiles and tracked vehicles is permitted. (Discussed in Section 8.8. of the Consultation Paper.)
- Application requirement for camping activities in connection with tourist activities, field activities and under the auspices of research and education activities. Application requirement for other camping activities when the camping takes place in the same place for more than one week. Requirement for a vigilant polar bear watch for camping activities in connection with tourist activities, field activities and under the auspices of research and education activities. (Discussed in Section 9. of the Consultation Paper.)
- Prohibition in the protected areas against the use of unmanned vessels (drones) and other remotely controlled or autonomous unmanned devices for use in the air, on the ground and on and under water. Prohibition against the use of unmanned aerial vehicles

(drones) closer than 500 metres from bird cliffs in the period 1 April to 31 August.  
(Discussed in Section 10. of the Consultation Paper.)

## Consequences of the proposals

The proposals have been designed to achieve future-oriented protection of the natural and cultural environment while facilitating viable tourism and local communities in line with the guidelines from the last Svalbard White Paper (Meld. St. 32 (2015-2016) (white paper). The proposed regulations lay down stricter rules inside the protected areas than outside. Furthermore, minor regulations are proposed in the Isfjorden area. Stricter regulations for visitors than permanent residents are proposed for a number of activities and stricter regulations are proposed for tourism where the volume of activities is greatest.

The proposal means that large, protected areas will be shielded from disturbance and wear and tear from traffic through regulation of where tourists can go ashore. At the same time, tourism will still have large areas available and sites that can be used over the whole of Svalbard, including sites that have so far been among the most attractive.

The proposals mean that tour operators must adapt their activities and reorganise travel arrangements that are not in line with the proposals. We consider that the proposed amendments to the environmental regulations will not weaken the opportunities to conduct tour activities to the same extent as before the coronavirus epidemic, or the opportunities for further growth.

The proposed rules on access and passage will protect species such as polar bears, ringed seals, seabirds and walruses. The prohibition against access and passage on sea ice will make the temporary regulation of recent years permanent and lead to the inclusion of a few more fjords. However, the permanent residents and visitors' need to use the ice is taken care of through the exemptions made. The rules are not considered to have major consequences for permanent residents or other affected parties compared with the current regulations.

The aim is for the amendments to come into force on 1 January 2023.

## Consultation deadline

We would like input on the proposals. We ask the consultative bodies to submit the documents to relevant parties if these are not on the consultation list.

### **The consultation deadline is 3 February 2022.**

If infection control considerations permit, a consultation meeting will also be held in Longyearbyen in week 46 where there will be an opportunity to ask questions. We are also in favour of meetings with consultative bodies who so wish.

The consultation paper with amendments to the Svalbard Environmental Protection Act and associated regulations with annexes has been published on the [Norwegian Environment Agency's website](https://www.miljodirektoratet.no/hoeringer/) for consultations ([www.miljodirektoratet.no/hoeringer/](https://www.miljodirektoratet.no/hoeringer/)). The consultation paper with annexes will be translated into English and is scheduled to be published on the website at the end of September. The consultative bodies will be notified when the documents are published in English.

Questions about the consultation case can be directed by email to Senior Advisor Hege Langeland, [hege.langeland@miljodir.no](mailto:hege.langeland@miljodir.no) or Senior Adviser Helene Mokkelbost, [helene.mokkelbost@miljodir.no](mailto:helene.mokkelbost@miljodir.no).

Regards  
The Norwegian Environment Agency

*This document is electronically approved*

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Cc to:  
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