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**Emne:** Consultation response (or Høringssvar) ref 2021/9496 and 21/4952 –  
MAKO

To the Environmental Agency and the Ministry of Justice.

This is a joint response to the following regulatory proposals:

1. Proposal for amendment of Svalbard Environmental Protection Act – and regulations/orders given with authority in this Act from the Norwegian Environmental Agency, with reference 2021/9496; and the
2. Proposal for substitution of “Regulations related to tourism” with “Regulations related to field safety” and the proposal to apply the Package travel Act in Svalbard, from the Norwegian Ministry of Justice and the Ministry of trade and industry, with reference 21/4952 – MAKO

Seabourn has been a member of AECO for many years, even with limited prior operations, as we believe in the work AECO does. Moving forward, as an expedition cruise operator, Seabourn has a long-term planning process and are as such dependent on clear and predictable regulations for the places we plan to visit. Seabourn Cruise Line has planned extensive seasons in Svalbard territorial waters with our brand new PC6 Polar Class vessel Seabourn Venture from the season 2022 and its sister ship Seabourn Pursuit from 2023 onwards. Both ships will have a guest capacity of 264.

Sustainability is at the core of our operation, and we strongly support and respect regulations and guidelines wherever we sail; especially in pristine and vulnerable areas. Nevertheless, with the proposed new “Svalbard Environmental Act” and the “Regulations related to tourism” we would like to draw your attention to the following proposals that will heavily impact our operations in Svalbard.

Please see below Seabourn’s response on a number of the suggested proposals.

- **Proposal: Entry into force 2023 – arguments that apply to both regulatory proposals**  
Seabourn is strongly opposed to this proposal. We believe that a rushed implementation could result in significant processing delays. Something experienced now with the new firearms

regulations implemented in 2021. Seabourn and many other cruise companies plan with a 3-year or longer horizon, and marketing and sales starts at least 2-years ahead of operations. We will need time to comply without significant losses and problems.

- **Proposal: Only allow vessels carrying 200 pax or less to visit/land passengers in the larger national parks (as for Eastern Svalbard nature reserves)**

Seabourn is strongly opposed to this proposal. With smaller vessels like Seabourn Venture, the economical aspect is essential and it is vital that we are able to sell to capacity. A proposed max of 200 guests, means that we are not able to sell about 1/5 of the capacity of the ship. This will affect the price of the tickets; perhaps to the extent that operating in Svalbard may become economically impossible. The Norwegian Cruise Commission (Cruiseutvalget) has after conducting thorough investigations, recently proposed a max of 500-750 people onboard ships sailing in Svalbard territorial waters. We also feel this is in line to what is done in Antarctica, a process that is proven and works.

**Proposal:**

- **Close larger national parks and nature reserves for landings from cruise vessels**
- **Landing permitted in 42 sites within protected areas**
- **13 sites with max 39 people (3x 12 pax + 1 guide)**
- **7 sites with area limitations (no long walks)**

Seabourn is strongly opposed to this proposal. The national parks and nature reserves have been established to ensure that people have the opportunity to experience and learn from experiences in the wilderness. There is no documentation on where the present activities represent a problem. There is a lack of vulnerability assessments for some of the locations you plan to keep open and a lack of vulnerability assessment for the sites you plan to close – no real concrete arguments. There is a real risk of increased traffic on sites outside the protected areas (such as Isfjorden) and conflicts with other user groups. There will be a risk of increased congestion and operators will run a higher risk of “losing their slot”

- **Proposal: Remove the legal requirement to use site specific guidelines in 15 sites in Svalbard (AECO has developed 21 site specific guidelines in Svalbard).**

Seabourn is strongly opposed to this proposal. The 21 site specific guidelines AECO have developed in Svalbard are tools that have been developed to ensure sustainable operations within a legal framework. Having personally done 5 seasons in Svalbard, these site-specific guidelines are the essence of well managed tourism. These guidelines have been developed with heavy involvement from researchers, the Governor of Svalbard, the Svalbard Environmental Protection Fund and other experts. These guidelines are based on professional vulnerability assessments carried out using accepted methods. The industry (Seabourn) has taken ownership and has implemented these as standards in our operations. Seabourn ensures that every single staff member is tested in their knowledge of these guidelines. Seabourn sees these guidelines as an asset for AECO as AECO can offer these to members. When operators become members of

AECO they are not only committed to site specific guidelines, but to all guidelines, tools and measures enforced by the organization. It will be a great loss for AECO and the organized part of the industry if site specific guidelines as a tool is discontinued. Site specific guidelines in my opinion is the only way to successfully manage tourism, as opposed to closing areas. This has proven to be extremely successful in other remote and pristine areas, like Antarctica, Galapagos, and South Georgia. Site guidelines developed by experts in the field and in conjunction with scientist should serve as the backbone to responsible tourism in remote areas. The only way to conserve and protect an area, is to show people how special it is, in a controlled manner, so they can become ambassadors for the area and in turn help to conserve it.

- **Proposal: Intensification of the ban on seeking out polar bears, and a requirement to keep at least 500 meters distance**

Seabourn is strongly opposed to this proposal. Polar bears are already strongly protected. The Norwegian Polar Institute believes today's regulations are more than sufficient. Polar bears approaching a vessel parked in the drift ice, are not disturbed but curious. They may be disturbed if vessels start navigation, but this can be very easily managed onboard a ship. Experiencing polar bears is a major value in the overall tourism experience. Seeing a polar bear in the wild is a once in a lifetime experience and a major draw card for guests doing an expedition in Svalbard. It is currently so well regulated and managed by AECO operators, that a polar bear sighting is something special and every care is taken to have an absolute minimum impact on the polar bear. With my 5 years of Svalbard operations, 99% of all polar bear encounters had zero impact on the polar bears, they were not even interested in our presence.

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- **Proposal: Keep at least 300 meters from walrus haul outs at sea**

Seabourn is strongly opposed to this proposal. Many years of research show no negative impact on walrus from tourism in Svalbard. The proposal is pointing to the 300 meters distance being part of a guidelines from Norwegian Polar Institute. This is incorrect. Such advice is not part of the guidelines (but the guidelines advise landings at least 300 meters from a colony). Seeing a walrus in the wild is a once in a lifetime experience and a major draw card for guests doing an expedition in Svalbard. It is currently so well regulated and managed by AECO operators, that a walrus sighting is something special and every care is taken to have an absolute minimum impact on walrus, if any at all.

- **Proposal: Prohibition against use of submarines**

Seabourn is strongly opposed to this proposal. This activity should be managed and regulated, but never banned. I have personally done multiple dives around the world in submarines, with different manufacturers and it is the most incredible experience with 100% zero impact on the environment. This is one activity that has the least amount of impact out of any activity currently offered in Svalbard. Allowing fishing and trawling, but banning quiet, zero emissions, battery operated submarines makes absolutely no sense. The opportunities to partner up with Svalbard to explore, map and learn about the underwater world is a rare and missed opportunity, if this ban stays in place. My suggestion would be to first open one area, have all

sub diving take place there and then slowly expand it once there is a greater level of comfort and the concept is proven.

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- **Proposal: Prohibition against use of all kinds of drones**

Seabourn is strongly opposed to this proposal. A drone, if permitted by a competent authority and flown by a certified pilot can serve as an incredible educational tool, for ice reconnaissance, science projects and adds an overall safety component to the operation. Seabourn does not permit guests to fly drones.

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- **Proposal: Duty to report operations to the Svalbard Tax office if operations exceed 30 consecutive days in Svalbard or Svalbard waters. See “tax document” for details.**

Seabourn is strongly opposed to this proposal. There is no tax-exchange agreement between Svalbard and other countries therefore foreign operators will be subject to double taxation. There is a Norwegian tax regulation ensuring that Norwegian registered companies will not be subject to double taxation, this does not seem to be in accordance with the equality principle in the Svalbard Treaty. International ship traffic should be handled in accordance with international laws. If local tax income is the objective, Seabourn would consider supporting a per passenger local tax, this will result in much less administration and larger net income.

- **Proposal: Guide certification system**

Seabourn is strongly opposed to this proposal as presented but support that there should be a guide certification system. Seabourn would advocate for an approach where the operator, not the individual guide, has the overall responsibility for the operations and where certified guides can be one of several requirements to operators. Seabourn, being part of Carnival Corporation spends millions of dollars a year on training of our onboard and shoreside teams. It is crucial to successful operations. We have one of the world’s largest officer training facilities at CSMART, located in the Netherlands. We have opportunities within the company to allow our shipboard team members to further their qualifications and this would be extended to Expedition Training through our Fleet Training Program. Expedition staff would be sent for training, for zodiac driving, rifle handling, polar bear biology and behavior etc. We have just completed the training of 24 Rifle handlers and 16 Submarine pilots at a cost of \$500k. We are extremely committed to guides being competent and certified.

In closing, Seabourn understands that tourism is growing and can be a concern. Seabourn would like to collaborate with the authorities and discuss necessary measures to ensure sustainable tourism operations and development. We have developed and are using many guidelines, tools and standards, and we are willing to discuss and share our SOP’s, so we can further develop these to meet potential operational challenges. Authorities should appreciate the value of tourism, also when it comes to education, engagement, and care. Protecting Svalbard should be a joint collaboration, between AECO operators and government. The “in the field” experience that AECO operators can bring to the table for safeguarding the future of Svalbard should not be underestimated, we are an extremely passionate

group of operators and want to protect our greatest asset... Svalbard. However, this has to be done as a joint venture, one that is well thought out and planned for all parties to benefit.

We thank you for your time and appreciate your consideration.

Thanks

**ROBIN WEST** | VP & General Mgr, Expeditions

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At Seabourn, our highest responsibility and top priorities are compliance, environmental protection and the health, safety and well-being of our guests, the people in the communities we touch and serve, and our shipboard and shoreside employees.