

Regulations relating to off-road motor traffic and the use of aircraft for tourism purposes in Svalbard

Laid down by the Ministry of the Environment on 24 June 2002 pursuant to sections 80, 81 and 83 of the Act of 15 June 2001 No. 79 relating to the protection of the environment in Svalbard (Svalbard Environmental Protection Act).

Chapter I. General provisions

§ 1. (purpose)

The purpose of these regulations is to regulate the use of motor vehicles and aircraft on the basis of overall considerations of the public interest, including opportunities for the general public to experience the wilderness in Svalbard, and with a view to protecting Svalbard's natural environment.

§ 2. (scope)

These regulations apply to the entire land area of Svalbard and its waters out to the territorial limit.

These regulations apply to off-road motor traffic, motor traffic on ice-covered watercourses and areas of sea, and the use of aircraft for tourism purposes.

§ 3. (definitions)

For the purpose of these regulations, the following definitions apply:

- a) *permanent resident*: a person who meets the conditions for their name to be validly entered in Svalbard's population register,
- b) *visitor*: any person staying in Svalbard who is not a permanent resident,
- c) *motor vehicle*: engine-powered mode of transport, for use on or off road,
- d) *tracked vehicle or snowmobile*: an engine-powered vehicle fitted with tracks,
- e) *tracked vehicle*: a motor vehicle designed mainly for the carriage of passengers or goods and/or to tow another vehicle, that is fitted with tracks and may be fitted with a steering ski or steering wheel, and that has an unladen weight of more than 400 kg and a design speed of more than 30 km/h,
- f) *snowmobile*: a motor vehicle designed mainly for the carriage of passengers or goods and/or to tow another vehicle, that is fitted with tracks and may be fitted with a steering ski or steering wheel, and that has an unladen weight not exceeding 400 kg and a design speed of more than 30 km/h,
- g) *aircraft*: any engine-powered mode of transport for use in the air,
- h) *organized tours*: travel organized by a tour operator pursuant to section 3 of the Regulations of 18 October 1991 No. 671 relating to tourism and other travel in Svalbard, and that in addition is offered to the general public.

§ 4. (duty to exercise due care)

All motor traffic and air traffic in Svalbard shall take place in a way that does not harm, pollute or in any other way damage the natural environment or cultural heritage or result in unnecessary disturbance to humans or animals.

Chapter II. Off-road motor traffic on ground that is not snow-covered and on thawed ground

§ 5. (prohibition against motor traffic)

Off-road motor traffic on ground that is not snow-covered and on thawed ground is prohibited unless otherwise provided in or pursuant to the Svalbard Environmental Protection Act or these regulations.

§ 6. (motor traffic in the land-use planning areas)

In the land-use planning areas, necessary off-road motor traffic is permitted in connection with:

- a) the extraction of raw materials, including exploration activities, mining operations and the extraction of deposits,
- b) construction activities,
- c) the operation and maintenance of buildings and other infrastructure necessary for activities in the settlements.

In land-use planning areas with approved land-use plans, motor traffic such as is mentioned in the first paragraph is only permitted in connection with activities that are in accordance with the plan.

Chapter III. Off-road motor traffic on snow-covered and frozen ground and on ice-covered watercourses and areas of sea

§ 7. (prohibition against motor traffic)

Off-road motor traffic on snow-covered and frozen ground and on ice-covered watercourses and areas of sea is prohibited unless otherwise provided in or pursuant to the Svalbard Environmental Protection Act or these regulations.

§ 8. (areas and trails where the use of snowmobiles and tracked vehicles is permitted)

Permanent residents may use snowmobiles and tracked vehicles on snow-covered and frozen ground

- a) in the areas marked in yellow on the accompanying map A,
- b) in the area marked in green on the accompanying map A up to 1 March each winter (snowmobile season),
- c) along the trail shown through the area marked in green on the accompanying map A. The trail is shown as an unbroken red line on the accompanying map A, and runs along the bottom of the valley Kjellstrømdalen to the cabin Kjellstrømdalhytta, up Søre Bellsundpasset, down the glacier Passbreen and by the shortest practicable route across to Agardhdalen (Agardhsletta).

Visitors may use snowmobiles and tracked vehicles on snow-covered and frozen ground

- a) in the areas marked in yellow on the accompanying map B,
- b) in the area marked in blue on the accompanying map B along the east coast of Spitsbergen between Agardhbukta in the south and Wichebukta in the north, if they are taking part in an organized tour or are accompanying a permanent resident,
- c) along the trail described in the first paragraph, littera c, and shown as a red line on the accompanying map B, if they are taking part in an organized tour or are accompanying a permanent resident.

The areas mentioned in the first and second paragraphs also include adjacent ice-covered areas of sea. On Storfjorden between Agardhbukta and Wichebukta, motor traffic shall follow the shortest practicable route on the sea ice along the coast.

Map A and map B are dated Ministry of the Environment, June 2002. The original maps are available at the Office of the Governor of Svalbard, at the Directorate for Nature Management and at the Ministry of the Environment.

§ 9. (commercial traffic)

In these regulations, commercial traffic means traffic in connection with the purposes mentioned in section 6.

For necessary commercial traffic, tracked vehicles or snowmobiles may be used

- a) in the areas marked in yellow on the accompanying map A and on adjacent areas of sea,
- b) along the trail shown through the area marked in green on the accompanying map A. The trail is shown as a dotted red line on the accompanying map A, and runs along the bottom of the valley Reindalen from Sørhytta up to Reindalspasset, and then down along the bottom of the valley Lundstrømdalen to Kjellstrømdalen. If weather or snow conditions make it difficult to use the areas mentioned in the second paragraph, litra a, an alternative trail along the bottom of the valleys Bolterdalen and Tverrdalen may be used.

§ 10. (temporary amendments)

The Governor may make temporary amendments to sections 8 and 9 if this is considered to be necessary to protect the fauna or natural environment otherwise, or if required for other special reasons.

Chapter IV. Use of aircraft for tourism purposes

§ 11. (aircraft for tourism purposes)

The use of aircraft for sightseeing is prohibited in Svalbard.

Nevertheless, the use of aircraft to fly to and from Svalbard and between the settlements in Svalbard is permitted when this takes place in the form of scheduled flights where tourists are passengers, or equivalent types of passenger transport.

Chapter V. Permits for motor traffic on application, appeals, penal measures, amendments and entry into force

§ 12. (permits on application)

The Governor may grant exemptions from the provisions of these regulations when the purpose of the Svalbard Environmental Protection Act so requires, or for scientific purposes, work of importance to the public interest or in other special cases.

When an application for motor traffic is decided, weight shall be attached to the purpose of the application, the connection of the applicant with Svalbard, the risk of environmental damage from the traffic in question, and the objective of limiting motor traffic in Svalbard. If a permit is issued, the grounds for the decision shall show how these factors have been evaluated.

The permit shall be limited in regard to time and place and may be restricted to apply to certain specified cases only. Conditions may be attached to the permit. The permit may be altered or withdrawn if environmental considerations so require.

§ 13. (appeals)

Individual decisions made by the Governor pursuant to these regulations may be appealed to the Directorate for Nature Management in accordance with the provisions of the Public Administration Act.

§ 14. (penal measures)

Any person that wilfully or negligently contravenes the provisions laid down in these regulations is liable to fines or to a term of imprisonment not exceeding one year. If substantial environmental damage or a risk of such damage has been caused or if there are especially aggravating circumstances, a term of imprisonment not exceeding three years may be imposed.

An accomplice is liable to the same penalties.

§ 15. (amendments)

The Governor may make amendments to sections 6, 9, 11 and 12 of these regulations.

§ 16. (entry into force)

These regulations enter into force on 1 July 2002.

Map A

The map has not been published in *Norsk Lovtidend* (Norwegian Law Gazette), but may be found at <http://www.dep.no/archive/mdvedlegg/01/12/Ferds066.pdf>.

Map B

The map has not been published in *Norsk Lovtidend* (Norwegian Law Gazette), but may be found at <http://www.dep.no/archive/mdvedlegg/01/12/Ferds067.pdf>.

Tekst fra kartene

Map A

Map A accompanying the Regulations relating to off-road motor traffic and the use of aircraft for tourism purposes in Svalbard.

Adopted by the Ministry of the Environment on 2002.

Area where the use of snowmobiles and tracked vehicles is permitted pursuant to section 8, first paragraph, litra a, and the use of snowmobiles and tracked vehicles is permitted pursuant to section 9, second paragraph, litra a.

Area where the use of snowmobiles and tracked vehicles is permitted pursuant to section 8, first paragraph, litra b.

Trail where the use of snowmobiles and tracked vehicles is permitted pursuant to section 8, first paragraph, litra c.

Trail where the use of snowmobiles and tracked vehicles is permitted pursuant to section 9, second paragraph, litra b.

Map B

Map B accompanying the Regulations relating to off-road motor traffic and the use of aircraft for tourism purposes in Svalbard.

Adopted by the Ministry of the Environment on 2002.

Area where the use of snowmobiles and tracked vehicles is permitted pursuant to section 8, second paragraph, litra a.

Area where the use of snowmobiles and tracked vehicles is permitted pursuant to section 8, second paragraph, litra b.

Trail where the use of snowmobiles and tracked vehicles is permitted pursuant to section 8, second paragraph, litra c.