

Control Measures for Tourism Entrepreneurs in Marine National Parks

SCUBA Diving and Related Activities in Marine National Parks

Rationale

This document is an outcome of a meeting held in Phuket on 26-27 November, 2007, where Andaman tourism operators, DNP officials and other agencies and stakeholders discussed and agreed upon measures for management and use of marine national parks resources for tourism purposes.

It intends to inform tourism entrepreneurs of the regulations for business operators within marine national parks. The National Park, Wildlife and Plant Conservation Department expects that all those engaged in tourism operations in marine national parks will be aware of these regulations and comply with them.

Emanating from the National Park Act, B.E. 2504 and “The Regulation of DNP regarding the Permission to operate tourism business and lodging service within the National Park Act, B.E. 2547”, DNP issues these measures in order to i) maintain the natural resources in the parks, and ii) ensure visitors have safe and enjoyable experiences within the parks. Entrepreneurs such as scuba diving operators, island day-trip providers and related businesses are required to abide by these measures

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Section 1 - Registration and Permission for Operation

1.1 Obtaining Permission

- Tourism entrepreneurs who provide services and related tourism activities to tourists/visitors in marine national parks shall register and obtain a license from The National Park, Wildlife and Plant Conservation Department (DNP), according to the
- National Park Act B.E. 2504, and “The Regulation of DNP regarding the Permission to operate tourism business and lodging service within the National Park Act, B.E. 2547”.
- Permission from DNP comes with a set of conditions which operators shall comply with.
- Registration and Permission will be given to the person and/or company who with no previous violations of any Forest law (which includes the National Park Act B.E. 2504, Wildlife Preservation and Protection Act B.E. 2535, and related natural resources and environment statutes)

1.2 Submitting Applications

- Applications to operate each/different tourism businesses in each/different marine national parks must be submitted to DNP separately.
- DNP will process applications promptly to meet specified time lines.
- DNP will request the necessary number of documents as needed. Common problems causing delays in application processing include errors in filling out forms and insufficient numbers of copies of documents.

1.3 Tourism Operator Database

- DNP will set up a tourism operator database containing details of all tourism entrepreneurs in marine national parks, including those who have violated related regulations and/or laws. The database will be maintained to support any future investigations in this regard. This data will be used during a consideration of further applications.

Section 2 - General Regulations for all Tourism Boats

2.1 Safety Equipment and Practice

- Any boat bringing divers or other kinds of visitors into marine national parks must have adequate safety equipment and follow recognized safety practices to ensure continued safety of tourists and park users. DNP will provide a list of required safety equipment and safety practices which operators must put in place on their vessels.

2.2 Communication with DNP

- All boats in use as part of tourism operations must have suitable communication equipment capable of maintaining contact with the Marine National Park and the Marine National Park Operation Centre 1 (Andaman) in Phuket at all times during their stay in the marine national park. Communication must be established and necessary information given to the park radio operator prior to the boat accessing to the park.

2.3 Speed Limits

- All boats are prohibited from traveling at speeds exceeding 3 knots nautical miles when nearby shorelines, coral reefs, mangroves, diving areas, or any other area specified by DNP.

2.4 Boat Condition

- All boats shall be well maintained and in excellent condition, without leaking lubricants or oil, emissions of loud noises, or excessive exhaust.

2.5 Human Waste Management

- DNP requests co-operation from tourism operators, particularly those with live-aboard vessels, to install human waste containers and not discharge waste into the marine national park sea. DNP will issue regulations on human waste control and will begin enforcement in 2008.

2.6 Boat Garbage Policy

- Every boat entering the park must have sufficient garbage containers on board and must dispose of their garbage back on the mainland, not on any islands in the parks or in the sea. Operators must ensure their staff and clients follow best practice regarding garbage management, i.e., absolutely no garbage is to be thrown overboard.

2.7 Feeding Marine Creatures

- The feeding of fish, sea turtles, or other marine creatures is prohibited in marine national parks. Tourism operators must ensure that their staff and clients comply with this regulation.

2.8 Safe Distance

- Boats should be at least 50 meters away from areas where diving activities are taking place or where diving buoys have been floated.

2.9 Boat Captain and Crew Competency

- Boat captains and crews shall be knowledgeable in international maritime conventions and rules.

Section 3 - Regulations Specific to Scuba Diving Operations

3.1 Qualifications of Diving Boat Personnel

- Persons who lead diving groups in the water or supervise diving in any way must:
 - a. be qualified to at least Dive Master (or equivalent) level with an internationally recognized diving association;
 - b. have passed the DNP marine tourism operator training course; and
 - c. if necessary, have a valid work permit and visa issued by relevant Thai authorities.
- Boat-based tourism operators must send all staff members to attend the above-mentioned training course. The course will raise awareness of rules and regulations related to the management and touristic use of national parks, including concepts of natural resource conservation and sustainability. DNP will run the course during May to October every year. Diving and day-trip boats operating

without sufficient numbers of DNP- trained staff may lose the right to operate in marine national parks.

3.2 Diving Safety Measures

3.2.1 Compliance with Recognized Safety Codes

- Any staff members involved in supervising the diving of visitors and/or leading a group of divers in the water must ensure full compliance with recognized scuba diving safety measures. **The staff and the company will be responsible for any cost that may happen from the accident caused by the negligence to comply with the scuba diving safety measure.**

3.2.2 Diving Buoys and Diving flags

- Dive controllers/leaders must always float an international diving buoy or diving flag to signal that a dive is in progress in the area. Boats must not move into areas where a diving buoy has been floated.

3.2.3 Diver transfers from Boat to Water Entry/Exit Points

- When necessary, operators must transport divers by dinghy between the water entry/exit point and the dive boat. Transporting divers to and from entry/exit points by boat is not permitted.

3.2.4 Maximum Depth Limitation

- The maximum depth for all diving from diving operator boats in marine national parks waters is 40 meters.

3.2.5 Number of Dives Per Day

- The limited number of dives per day from diving operator boats shall not exceed 3 dives.

3.2.6 Emergency and Safety Measures

- Any death or serious accident of a diver or tourist under the responsibility of a tourist operator must be immediately reported to the officer in charge of the marine national parks. Park officials and other relevant parties will investigate the cause of the accident or death. If an operator intentionally refrains from or avoids reporting a serious accident or fatality, DNP will take actions as stipulated by relevant laws and regulations.
- Request for emergency assistance should be made to the marine national parks concerned or to the Marine National Parks Operations Center 1 (Andaman) in Phuket.

3.3 Dive Boat Requirements

3.3.1 Time Limitation

- Diving boats with live-aboard facilities, and other types of boats used in tourism operations, can stay for no longer than 5 consecutive days or 4 consecutive nights in any marine national parks.

3.3.2 Sailboats and Yachts

- Marine national parks staff have the right to inspect any sailboats and yachts which have paying passengers or divers. Such vessels and their operators will be regarded as tourism operators and thus subject to the regulations set out in this document. In particular, any such sailboat or yacht which does not comply with the commercial diving regulations set out by DNP will not be allowed to undertake scuba diving activities in the marine national park area.

3.3.3 Private Diving Boats

- Any private non-commercial boat intending to perform diving activities shall report these to the marine national park staff.

3.4 Dive Area and Dive Site Regulations

3.4.1 Park Closures

- All diving operations must be suspended in marine national parks which have been closed by DNP (parks routinely closed and closure times are detailed in the annex). Parks that are closed will ensure strict compliance from tourism operators. Businesses that operate within the park during closure will be subject to appropriate action as deemed fit by the National Park Act B.E. 2507. The closures allow the natural resources in the parks time to recuperate from the effects of users and also protect visitors from dangerous sea conditions.

3.4.2 Special Area Designations

- Visitor access to and scuba diving on coral fringes around islands designated “Coral and Sea-turtle Conservation Zone” is prohibited. DNP has given this designation to 3 islands in Mu Ko Similan National Park: Ko Hoo Yong (Island No. 1), Ko Payan (Island No. 2), and Ko Payang (Island No. 3). (Annex)

3.4.3 Closure of Dive Sites

- Diving is prohibited at dive sites which have been closed by DNP. Dive sites may be closed due to the ongoing damage and deterioration to the coral formations from diving activities. DNP will conduct studies to determine whether and when closed sites can be re-opened for diving activities. Currently, the Fantasy Rock dive site in Mu Ko Similan National Park is closed.

3.4.4 Approved Dive Sites

- Scuba diving can only be undertaken at dive sites specified and approved by DNP. DNP will inspect the currently-used dive sites before deciding upon a final list of designated dive sites. This list will be distributed to operators. A provisional list of approved dive sites, open for suggestions from stakeholders, is given in the annex.

3.4.5 Dive Site Capacity

- Diving operators shall ensure that the total number of divers at a specific site does not exceed the dive site capacity stipulated by DNP. The dive site capacity is the maximum number of divers appropriate for any given dive site. It is to be determined by an ongoing process involving park staff, operators and other stakeholders. Dive site capacities will be set for all approved dive sites in November 2008.
- The objective of setting a dive site capacity is to aid a process of site management that i) maintains the good condition of the marine resources at the site, and ii) promotes quality diving experiences by 10 April 2008 reducing crowding at the site. It is hoped that the requirement to keep diver numbers below the capacity will serve to spread the boats out across all available dive sites, thus increasing the efficiency of dive site use. For this to happen, dive boats must be in constant communication, updating each other of the current level of use at the dive sites.

3.4.6 Required Diver Experience at Specific Dive Sites

- The Marine National Parks will study each diving spot in collaboration with diving specialists, operators and other concerned parties, before specifying necessary qualifications of scuba divers

who can dive at each diving site. The dive supervisors/leaders are responsible for ensuring that their divers meet the qualifications stipulated for each site.

3.4.7 Diving Plans

- Each dive operator shall submit to the marine national park a diving plan outlining the dive sites they intend to use within the national park. The diving plan must be submitted prior to the dive trip or, at latest, on the first day of arrival at the marine national park.
- The diving plan must include details as described below:

Target	Details required by DNP
Operator	Company name, license number
Boat	Boat name, type, registration number, and capacity
Crew	Total number, captain's name and license number, and names of all dive masters and dive instructors
Visitors/divers	Name, gender, age, and nationality for each paying passenger or diver. Additional details on all divers: diving qualification and number of previous dives.
Intended sites	A list of all dive sites the boat intends to visit. *see annex B

3.4.8 Diving Practice in National Park

- Sites for diving boats to carry out scuba diving lessons will be specified by each marine national park. Scuba diving lessons will not be permitted in undesignated areas.
