



**St Helena
Government**

POLICY TITLE: POLICY FOR MARINE SPECIES INTERACTION ACTIVITIES ON ST HELENA ISLAND TO MINIMISE RISK OF INJURY AND DISTURBANCE

**Policy written by Environmental Management Division, St Helena Government
and formally adopted by Environment and Natural Resources Committee**

Version 3

Date approved: December 2019

Date to be adopted: December 2019

Date for policy review: December 2020

Contents

1	BACKGROUND.....	3
2	LEGISLATIVE BACKGROUND.....	4
3	POLICY AIMS	5
4	POLICY OBJECTIVES.....	5
5	POLICY DEFINITIONS	5
6	POLICY STATEMENTS	6
6.1	General guidance	6
6.2	Whale sharks.....	7
6.2.1	Whale sharks: Whale Shark Hotspots.....	7
6.2.2	Whale sharks: Tour operators and guides, boatmen, kayakers and fishermen.....	7
6.2.3	Whale sharks: Snorkelers and Free Divers.....	8
6.2.4	Whale sharks: SCUBA divers	8
6.3	Mobula rays (devil rays and manta rays):.....	9
6.4	Cetaceans (whales and dolphins):	9
6.4.1	Whales.....	10
6.4.2	Dolphins.....	10
6.5	Turtles:	10
6.6	Seabirds:	11
7	Responsibility	11
7.1.1	Tour operator/ vessel owners responsibilities	11
7.1.2	ENRP (Marine section)	12
8	POLICY IMPLEMENTATION	13
9	POLICY DISTRIBUTION.....	13

10	Policy review	13
11	Drafting and consultation.....	13
12	CONTACT	14

1 BACKGROUND

1. The Environmental Protection Ordinance (EPO), 2016 makes new provision for the protection of the environment including the conservation of biodiversity.
2. A key asset of St. Helena's marine environment is its habitats and marine species, of which some are endemic only to St. Helena. Other key assets of St. Helena's marine environment are its resident populations of dolphins and the seasonal migration of whale sharks (present in the waters between November to May each year) and humpback whales (present in the waters between June to December each year). There are three resident cetacean species, one seasonal cetacean species and four cetacean species seen on rare occasions which utilise St Helena waters. It is also fortunate to have a number of other marine megafauna species such as turtles and mobula rays.
3. Schedule 2, Part 1 of the EPO lists the species of animals and plants that are protected on St Helena.
4. There are a growing number of different individuals and organisations working to conserve St. Helena's endemic and native species.
5. Within the landscape of activity, there needs to be a clear policy that sets out parameters within which activities can be undertaken, to ensure that human intervention does not threaten the existence of endemic and native species.
6. This policy replaces the 'Environmental Policy for whale shark (*Rhincodon typus*), devil ray (*Mobula tarapacana*) and cetacean interaction activities on St. Helena Island to minimise risk of injury and disturbance'.
7. This policy should be read in conjunction with the Marine Accreditation Scheme Policy and the following best practice guides, which give further details on species specific interactions;
 - Best Practice Guidelines - Whale Sharks
 - Best Practice Guidelines - Mobula Rays
 - Best Practice Guidelines - Cetaceans Whales
 - Best Practice Guidelines - Cetaceans Dolphins
 - Best Practice Guidelines - Turtles

- Best Practice Guidelines – Seabirds
 - Best Practice Guidelines - SCUBA Diving
 - Best Practice Guidelines - Rockfishing
8. The IUCN Red List of Threatened Species (www.iucnredlist.org) is periodically updated with the conservation status of whale sharks, mobula rays, whales, dolphins, turtles or other species. The IUCN Red List category (10th December 2019) for the key species discussed in this policy are;
 - Whale shark (*Rhincodon typus*): Endangered
 - Mobula ray (*Mobula tarapacana*): Endangered
 - Humpback whale (*Megaptera novaeangliae*): Least Concern
 - Bottlenose dolphin (*Tursiops truncatus*): Least Concern
 - Rough-toothed dolphin (*Steno bredanensis*): Least Concern
 - Pantropical spotted dolphin (*Stenella attenuata*): Least Concern
 - Green turtle (*Chelonia mydas*): Endangered
 - Hawksbill turtle (*Eretmochelys imbricata*): Critically Endangered.
 9. This policy and associated procedures and guidelines reflect best practise for tour operators and recreational boat owners on island.
 10. The responsibility of ENRP is to ensure that the relevant procedures are available to all users of the marine environment with the overall aim to preserve and protect it for future generations.
 11. To ensure effective management of the marine environment, a proactive rather than reactive approach is required.
 12. Users of the marine environment should report any unusual or negative interaction behaviour by marine species, to ENRP.
 13. The welfare of whale sharks, mobula rays, whales, dolphins, turtles or other marine megafauna is paramount.

2 LEGISLATIVE BACKGROUND

The Environmental Protection Ordinance, 2016, section 20(1) states that it is an offence for a person wilfully or recklessly to do any of the following in relation to a protected animal; hunt, collect, kill, wound, pursue, capture or molest it; have possession of it; disturb it, during the period of breeding, incubation, estivation or migration; take, remove, damage, destroy or possess any nest or egg of it; disturb, damage or destroy the habitat of it; or sell, export or have it in the person's possession, or transport it for the purposes of sale or export.

The associated adopted Marine Management Plan (2016) states that “it is prohibited to interact with whale sharks, cetaceans or devil rays unless complying with the ‘Environmental policy for whale shark (*Rhincodon typus*), devil ray (*Mobula tarapacana*) and cetacean interaction activities on St Helena Island to minimise risk of injury and disturbance”.

The principles of this policy are aligned with implementing St Helena’s obligations to international multi-lateral environmental agreements (MEAs), particularly the Convention on International Trade in Endangered Species (CITES) and the Convention on the Conservation of Migratory Species of Wild Animals (CMS).

3 POLICY AIMS

This policy aims to:

1. Provide a procedure for any operator or persons that intends to interact with whale sharks, mobula rays, whales, dolphins, turtles or other marine megafauna.
2. Minimize the negative impacts associated with human activity towards whale sharks, mobula rays, whales, dolphins, turtles or other marine megafauna through guided interaction;
3. Ensure that whale sharks, mobula rays, whales, dolphins, turtles or other marine megafauna are not harmed by tourism or boating activities; and
4. Work with accredited tour operators and local boat owners to collect valuable scientific data and to support the development of the eco-tourism industry.

4 POLICY OBJECTIVES

1. Provide guidance on the methods of interactions permitted with key marine species on St Helena, via a Marine Accreditation Scheme.
2. Provide resources for further detailed guidelines for interactions not covered in this policy
3. Ensure adherence to requirements as outlined in the Marine Accreditation Scheme.

5 POLICY DEFINITIONS

Native	'a species that occurs naturally on St. Helena, but also occurs naturally in other countries'
Endemic	'a species that occurs naturally only on St. Helena'
Local	'St Helena resident (permanent or temporary)'
Non-local	'Tourist or temporary visitor'
Deliberate	'done consciously, intentionally and pre-planned'
Aggregation	'a group of individuals into a mass'

6 POLICY STATEMENTS

6.1 General guidance

The following policy statements are recognised as good practise and should be adhered to on St. Helena:

1. All tour operators wishing to interact with any marine megafauna outlined in this policy must obtain accreditation from the Environment and Natural Resources and Planning Directorate (ENRP) of St Helena Government. Accreditation will be attained if the operator attends the course provided and demonstrates the competencies expected through assessment. In granting access for these activities, vessels must adhere to licensing criteria including holding public liability insurance and having a qualified emergency first aid responder on board. ENRP reserve the right to complete random spot checks with accredited boat owners for the purposes of checking accreditation compliance.
2. All tour operators must comply with the Environmental Best Practice Guidelines
3. All tour operators must provide a full trip and interaction briefing before the tour begins, ideally prior to departing James Bay. This is to include all safety aspects and permitted interaction information.
4. The following activities are prohibited;
 - a. Feeding of whales sharks, mobula rays, whales, dolphins, turtles or any other marine megafauna
 - b. Deliberate scuba diving with whale sharks and cetaceans is prohibited unless for scientific purposes and in receipt of a valid research permit.
 - c. Deliberately chasing, touching or riding whale sharks, mobula rays, whales, dolphins, turtles or other marine megafauna.
 - d. The use of flash for underwater photography.
 - e. Use of motorised propulsion devices (unless an exemption is approved for disabled persons)
5. Observe marine megafauna's behaviour and move away if there are signs of disturbance or behaviour indicates the creature is not happy with interaction. This applies to both boat interactions as well as in-water interactions from swimmers, snorkelers, free divers and SCUBA divers.

6. Tour and recreational vessels must avoid commercial fishing vessels whilst they are fishing (even if marine megafauna are in the vicinity of the fishing vessel). Any boats interacting with marine megafauna must stay a distance of at least 500m away from any commercial fishing vessels whilst those vessels have fishing gear in the water. Any boats interacting must not position themselves in front of a commercial fishing vessel whilst that vessel is towing gear.
7. Occasionally, St Helena is visited by other rare species (e.g. *Mola mola*). When interaction with these species, follow the general guidance above. Deliberate snorkelling, freediving and scuba diving is forbidden. If a species is encountered in the water, remain stationary and make slow movements, exiting the water when possible. Maintain a distance of at least 3m from any other marine megafauna.

6.2 Whale sharks

This section should be read in conjunction with the Marine Accreditation Scheme Policy and the 'Best Practice Guidelines - Whale Sharks'.

During the whale shark season (1 November to 31 May), be alert and keep watch on the surface of the water. The large size of the whale shark and the fact that it feeds close to the surface increases the risk of a collision with a boat.

6.2.1 Whale sharks: Whale Shark Hotspots

1. The Chief Environmental Officer or relevant environmental officers will designate 'Whale Shark hotspots' at the beginning of each season (1st Nov) based on scientific information that determine areas of high whale shark activity. These hotspots will focus on, but not be restricted to, areas where encounters with whale sharks are likely.

6.2.2 Whale sharks: Tour operators and guides, boatmen, kayakers and fishermen

1. Local recreational boat owners who wish to interact with whale sharks (not for money or reward) must first attend a briefing by ENRP on interaction guidelines and will be responsible for providing interaction information to ENRP post interaction. ENRP will provide leaflets containing interaction guidelines and will offer a training session at the start of each whale shark

season for local recreational boat owners who may wish to interact with whale sharks during that season.

2. Non local/visiting vessels e.g. yachts etc. are prohibited to interact with whale sharks unless they are accompanied by a locally accredited tour operator.
3. All boats should approach whale sharks at idle speed or no more than 2 knots/hour, and remain at least 15m away from the animal(s). Vessels should not block the path of the whale shark. Snorkelers should be dropped into water 15m from the whale shark/s.
4. A total interaction time of 45 minutes is permitted with one or more (an aggregation) whale shark(s).
5. Each accredited tour operator is permitted to conduct **TWO** whale shark trips in a 24 hour period, with a trip being defined as one attempted boat interaction.
6. A maximum **TWO** vessels in total are allowed within the proximity of one or more (an aggregation) whale shark(s) on first come basis (this includes commercial and recreational vessels).
7. At any one time only **EIGHT** snorkelers are permitted in the water with one or more (an aggregation) whale shark(s). Tour vessels must display an A (Alpha) flag whilst snorkelers are in the water.
8. To avoid harassing the sharks and to maximize safety of the snorkelers, boats and kayaks should keep a distance of 30m away from each other during a whale shark tour.

6.2.3 Whale sharks: Snorkelers and Free Divers

1. Snorkelers and free divers are to ensure that they receive a whale shark interaction briefing from their accredited whale shark tour operator and/or ENRP and adhere to the guidelines given.
2. All persons are to remain a minimum of **3m** swimming distance away from the whale sharks, and a minimum of **4m** away from the whale shark tail, and must remain at the side of the whale shark only.
3. All persons in the water are to remain at the side of the whale shark – **Do not deliberately block the whale sharks path.**
4. Keep disturbance to a minimum. Entry and exit into the water should be done in a quiet manner to keep disturbance to a minimum i.e. no screaming, shouting.
5. Snorkelers must follow the instructions of the tour operator, including all safety instructions and must return to the vessel when instructed.

6.2.4 Whale sharks: SCUBA divers

1. Deliberate scuba diving with whale sharks unless for scientific purposes is **forbidden** and in receipt of a valid research licence.
2. If diving at sites is proposed in areas designated as whale shark hotspots, the dive operator must inform the appropriate authority within **72 hours** of their intention to dive within these areas. It is a mandatory requirement for operators to inform of this intention, as they will be required to carry an observer who will monitor any encounters that may occur.
3. Additional briefings must be given on scuba tours if diving at whale shark hotspots.
4. Special dive protocols during should be observed if whale sharks are encountered during a dive
- 5.

6.3 Mobula rays (devil rays and manta rays):

This section should be read in conjunction with the Marine Accreditation Scheme Policy and the 'Best Practice Guidelines – Mobula Rays' which provides further guidance.

1. For interaction via a vessel:
 - a. All vessels are to remain a minimum of 10 metres distance away from the mobula rays and should not approach from the front or rear.
 - b. A vessel must not cause a mobula ray to alter its direction or speed of travel.
2. For in-water interaction; if a mobula ray appears during a SCUBA dive, do not approach or chase the mobula rays; remain stationary in the water and make slow movements.

6.4 Cetaceans (whales and dolphins):

This section should be read in conjunction with the Marine Accreditation Scheme Policy and the 'Best Practice Guidelines – Whales' and 'Best Practice Guidelines – Dolphins'.

1. All cetacean tour guides must hold a valid St Helena whale shark and cetacean tour operator's license after attending a course and becoming certified by ENRP;
2. Only two vessels are allowed within the proximity of the cetaceans and should keep a distance of 60m away from each other. Vessels should remain on the same side of the cetaceans, where possible.
3. A full trip and interaction briefing must be given prior to departing the wharf. This is to include all safety aspects of the trip.

4. If cetaceans appear during a dive where divers are below the surface, scuba divers should adhere to the advice given in the best practice guides.
5. Snorkelling, freediving and scuba diving with whales, dolphins and other cetaceans is **prohibited** unless for scientific purposes and in receipt of a valid research permit. Should swimmers, snorkelers, free divers or scuba encounter whales or dolphin whilst preparing to enter the water, or whilst in water, they should adhere to the guidance outlined in the best practice guides.
6. A vessel must not cause a whale or dolphins to alter direction or speed of travel.
7. A vessel must not disperse a group of whales or dolphins.
8. Vessels should endeavour not to trap whales or dolphins between a vessel and shoreline.

6.4.1 Whales

1. All vessels (including kayaks) are to remain a minimum of 100m distance away from the whale/s and should not approach the whale/s from the front or rear.
2. When a whale is with a calf, a vessel is only to approach so that the mother is always between the calf and the vessel.
3. If a vessel comes closer than 100m to the whale, it must place its motor in neutral or move the vessel, at less than 5 knots, away from the whale until the vessel is outside the contact zone. At the skippers discretion and with due regard to the safety of the vessel it is advisable to switch off the vessel engine whilst viewing whales.

6.4.2 Dolphins

1. Approach dolphins at a reduced speed and remember not to approach closer than 50 metres to any dolphin (although it is noted that the dolphins do tend to approach boats closer than this).
2. All sonar devices (depth sounders, fish finders) should be switched off when a vessel is in the vicinity of dolphins. Do not play any recorded sounds underwater this could disturb or confuse dolphins.

6.5 Turtles:

This section should be read in conjunction with the Marine Accreditation Scheme Policy and the 'Best Practice Guidelines – Turtles' which provides further guidance.

1. For interaction via a vessel:
 - a. All vessels are to remain a minimum of 10 metres distance away from the turtle and should not approach from the front or rear.
 - b. A vessel must not cause a turtle to alter its direction or speed of travel.
2. For in-water interaction; if a turtle appears, do not approach or chase the turtle; remain stationary in the water and make slow movements.
3. For land-based interactions; and during times where turtles may be nesting,
 - a. Do not approach the turtles or walk on the nest
 - b. Bright lights (at night) and flash photography are strictly forbidden. Use only red light torches on the beach.

6.6 Seabirds:

This section should be read in conjunction with the Marine Accreditation Scheme Policy and the 'Best Practice Guidelines – Seabirds' which provides further guidance.

1. When travelling be alert and watch for seabirds at all times. If seabirds are sighted reduce your vessel speed to less than 2 knots as you approach from a minimum distance of around 50 metres.
2. When approaching offshore islands vessel speed should be reduced to 2 knots within 200 metres of the island. For viewing a minimum distance of 5 metres should be kept from any point of a nesting colony on an offshore islet or cliff.
3. Limit observation time at any particular spot to 5 minutes and the island or cliff for 30 minutes.
4. Vessels are only permitted to make one pass of any island or cliff in any trip.
5. If multiple vessels are conducting tours they need to keep a minimum distance of 30 metres between vessels.
6. The maximum number of four seabird trips can be made in a 24 hour period between all operators. After a duration period of 30 minutes tour operators should leave the Island or cliff and continue on with their tour.
7. Persons wishing to conduct seabird tours offshore on Egg Island should be in possession of a valid access permit which will list all requirements.
8. When conducting seabird tours on land a maximum group size of 14 is recommended with a tour guide to visitor ratio of 1:6. Two tours are permitted per 24 hour period.

7 RESPONSIBILITY

7.1.1 TOUR OPERATOR/ VESSEL OWNERS RESPONSIBILITIES

The tour operator/ vessel owners are:

1. Responsible for ensuring the welfare of whale sharks, mobula rays, whales, dolphins, turtles or other marine megafauna while undertaking interaction;
2. Responsible for the safety of the snorkelers and divers interacting with whale sharks, mobula rays, whales, dolphins, turtles or other marine megafauna
3. Responsible for ensuring that all personnel (staff and visitors) adhere to interaction guidelines;
4. Responsible for ensuring that all personnel (staff and visitors) are fully briefed before interacting with whale sharks, mobula rays, whales, dolphins, turtles or other marine megafauna ;
5. Responsible for mandatory recording of marine megafauna information (number of individuals, number of people in the water, time spent in the water, time in, time out, location, date) by the end of each calendar month in the log books provided.
6. Encouraged to collect data to support marine conservation of whale sharks both photographic (left side flank, right side flank) and information (sex of whale shark, approximate size).

7.1.2 ENRP (MARINE SECTION)

ENRP (Marine Section):

1. Must on request provide interaction training to support accreditation for the Marine Accreditation Scheme to tour operators;
2. Must on request provide briefing guidelines on interaction;
3. Will collate scientific, sighting, anecdotal and photographic data and report this information as part of annual environmental reporting;
4. Will once per year provide a training session for local recreational boat owners who may wish to interact with marine megafauna;
5. Will monitor the accredited tour operators to ensure they are correctly following the interaction guidelines; and
6. Will provide leaflets and other information for visiting vessels, tour operators and recreational vessels.

8 POLICY IMPLEMENTATION

- This policy will be implemented through the Marine Accreditation Scheme outlined in the Policy Statements section.
- Any research licences will be issued by the St Helena Research Institute in conjunction with the Chief Environmental Officer, in accordance with the Environmental Protection Ordinance.

9 POLICY DISTRIBUTION

This policy and its procedures are to be issued to all local marine tour operators, recreational boat owners and fisherman. This policy and procedures will also be available online on the St Helena Government website or on request from ENRP or at the tourism office or at Customs and Immigration or at the Customer Service Centre.

10 POLICY REVIEW

This policy will be reviewed every 3 years or more frequently if relevant evidence is provided. Fees and charges will be reviewed on an annual basis.

11 DRAFTING AND CONSULTATION

Originally drafted by Dr Judith Brown (Darwin Project Manager) and Elizabeth Clingham (Marine Conservation Officer, EMD).

Advice given from Georgia Aquarium Research Centre and Mote Marine Laboratory

Clingham, E. Henry, L, Beard A. Monitoring population size of St Helena Cetaceans 2013. EMD report.

Arnold, H. The development and assessment of an accreditation scheme for dolphin watching boats in the Moray Firth, 1997. Report for Scottish Wildlife Trust, Scottish Natural Heritage and the EU LIFE Programme

Department of Parks and Wildlife, 2013. Whale shark management with particular reference to Ningaloo Marine Park. Wildlife management program No. 57

12 CONTACT

For general advice and information regarding the Marine Accreditation Scheme, contact EMD's Marine Conservation Section on Tel: 22270 or on email: marine@sainthelena.gov.sh

Applicants for licences under this policy should contact the Chief Environmental Officer at the EMD Offices at Scotland (tel: 24724) or on email: isabel-peters@sainthelena.gov.sh.