

Water Based Adventure Tourism Activities

For Registration with Sri Lanka Tourism Development Authority

1. BACKGROUND AND INTRODUCTION

Whale and dolphin, watching has emerged as a significant niche within Sri Lanka's tourism sector, contributing meaningfully to coastal economies while offering unique, nature-based experiences to both domestic and international visitors.

These activities fall under **water-based adventure tourism**, regulated by the Sri Lanka Tourism Development Authority (SLTDA), and require strict adherence to prescribed standards to ensure **safety, quality, and environmental responsibility**.

However, the rapid and, in some instances, unregulated expansion of these activities has led to:

1. Safety concerns,
2. Inconsistent service standards, and
3. Potential adverse impacts on marine mammals, including disturbance to natural behavior and habitat degradation.

Accordingly, under the provisions of **Section 69 of the Tourism Act, No. 38 of 2005**, the SLTDA hereby issues these guidelines to regulate, standardize, and monitor whale and Dolphin watching activities.

These guidelines aim to ensure:

1. Visitor safety and satisfaction,
2. High-quality service delivery, and
3. Long-term environmental sustainability,
4. while promoting the responsible development of marine tourism in Sri Lanka.

2. OBJECTIVES

The objectives of these guidelines are to:

1. Regulate Whale & Dolphin watching activities in a structured, responsible, and sustainable manner within Sri Lanka's territorial waters.
2. Ensure the safety, comfort, and satisfaction of visitors, while safeguarding operational standards.
3. Avoid disturbance, stress, and harm to marine mammals and their habitats.
4. Promote ethical, conservation-oriented tourism aligned with national priorities and international best practices.
5. Establish and enforce minimum standards for operations, safety, and service quality across all service providers.

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3. SCOPE

These guidelines apply to all individuals, organizations, and service providers engaged in Whale & Dolphin Watching tourism within the territorial and coastal waters of Sri Lanka, including:

1. Whale watching excursions
2. Dolphin watching tours

4. LEGAL COMPLIANCE REQUIREMENTS

All operators shall comply with applicable national laws and maintain valid certifications at all times.

This includes, but is not limited to:

1. **Merchant Shipping Act No. 52 of 1971** and related regulations governing vessel registration, seaworthiness, and crew certification.
2. **Fauna and Flora Protection Ordinance (as amended)** and all relevant regulations and gazette notifications issued by the Department of Wildlife Conservation (DWC), governing protection and interaction with marine mammals.
3. Any other applicable laws, regulations, circulars, or directives issued by relevant authorities relating to:
 - i. Maritime safety
 - ii. Environmental protection -
 - iii. Wildlife conservation
 - iv. Tourism operations

All licenses, permits, and certifications shall be valid, up to date, and produced upon request by SLTDA or any authorized authority.

5. OPERATIONAL GUIDELINES

All operations shall prioritize **visitor safety, service quality, and marine conservation**.

All vessels shall comply with **Gazette Notification No. 1774/27 (06 September 2012)** Fauna and Flora Protection Ordinance (Chapter 469)

5.1. Prohibited Craft

The following are strictly prohibited:

1. Personal motorized watercraft (e.g., jet skis, water scooters, hovercrafts).
2. Paddle and similar non-motorized Vessels/ crafts (e.g., canoes, kayaks)
3. Any vessel deemed technically unsuitable by the Director General of Merchant Shipping (DGMS)

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** In locations where Whale and Dolphin Watching activities are conducted (e.g., Kalpitiya, Trincomalee, etc.) and suitable harbor or port facilities for vessel deployment are not available, operators may continue to utilize Outboard Motor (OBM) vessels as an interim measure until such facilities are established, subject to the approval of the relevant authorities.*

5.2. Approach Distance and Vessel Movement

Within marine mammal interaction zones:

1. Aircraft and drones shall not operate below 500 meters altitude within a 500-meter radius.
2. Direct head-on approaches are strictly prohibited.
Vessel speed shall not exceed **5 knots** within the approach (or caution) zone and Adhere to the Gazette No. 1774/27 6th September 2012- Sea Mammals Regulations, No. 1 of 2012- Department of Wildlife Conservation
3. Vessels shall maintain slow, steady movement, avoiding sudden changes in speed or direction.

5.3. Management of Vessel Congestion

Operators shall comply with limits imposed by authorities on:

1. Number of vessels near marine mammals
2. Duration of interaction/ viewing time
3. Coordinated and orderly vessel movement

5.4. Noise and Environmental Control

Operators shall:

1. Vessels shall be regularly maintained, including hull and propeller cleaning, to minimize underwater noise and environmental impact.
2. Avoid excessive noise, including during communication, navigation, and engine operation within the caution zone.
3. Avoid rapid speed changes (sudden acceleration) and repeated engine starts within the caution zone.

5.5. Engine Operation

Where appropriate, Vessels should be placed in **neutral (out of gear)** while maintaining readiness, to reduce disturbance.

5.6. Prohibited Interactions

The following are strictly prohibited:

1. Swimming or diving with whales, dolphins or any other species.
2. Any physical interaction with marine mammals including feeding

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6. MANDATORY EQUIPMENT REQUIREMENTS

6.1. General Compliance

All vessels shall comply with the applicable provisions of the Merchant Shipping Technical Codes and Safety Regulations including (Small Craft Code (Up to 24m in Length) - January 2025)

Equipment must be:

1. Functional
2. Regularly inspected
3. Easily accessible

6.2. Mandatory Equipment

All vessels shall carry:

1. Lifesaving Appliances, Escape, Evacuation & Rescue
2. Fire Protection, Fire Safety Appliances and systems
3. Communications equipment's & systems
4. Navigation lights and equipment's
5. Anchors & Cables

7. SAFETY AND RISK MANAGEMENT

7.1. General Principles

Operators shall:

1. Prioritize safety and risk mitigation
2. Identify and manage all foreseeable risks
3. Ensure responsible wildlife interaction

7.2. Mandatory Safety Requirements

7.2.1. Personal Protective Equipment (PPE)

All passengers and crew shall wear approved life jackets, relevant personal protective equipment (PPE) / life-saving appliances (LSA) at all times while onboard the vessel.

7.2.2. Pre-Departure Safety Briefing

Must include:

1. Safety procedures
2. Emergency protocols
3. Visitor "Do's and Don'ts"
4. Responsible wildlife behavior

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7.2.3. Wildlife Compliance

Strict adherence to Department of Wildlife Conservation regulations is mandatory.

7.2.4. Coordination with Authorities

Operators shall coordinate with:

1. Department of Wildlife Conservation (DWC)
2. National Aquatic Resources Research and Development Agency (NARA)
3. Sri Lanka Navy
4. Sri Lanka Coast Guard
5. Merchant Shipping Secretariat

7.2.5. Record Maintenance

Operators shall maintain a daily record including:

1. Name of participant
2. National Identity Card (NIC) number or Passport number
3. Date of excursion
4. Nationality
5. Emergency contact details
6. Number of participants per trip
7. Vessel name and voyage/booking reference
8. Boarding and disembarkation time and location
9. Signature or acknowledgment of participation (where applicable)
10. Declaration of fitness for participation in marine excursion activities (where required)
11. Name of tour operator and onboard guide/captain in charge
12. Incident records
13. Sighting's logbooks- in accordance with guidelines issued by NARA and the Department of Wildlife Conservation.

The operator shall ensure that the data is accurately maintained and readily accessible at all times for review by the relevant authorities in the event of an emergency, incident, or any official investigation.

7.2.6. Alcohol and Drug Prohibition

1. The consumption, possession, or influence of alcohol, narcotic substances, or any form of drugs is strictly prohibited for both operators (including crew members) and participants during the operation
2. Operators shall have the authority to refuse participation or deny boarding to any individual suspected of being under the influence of such substances.

8. VISITOR FACILITIES AND SERVICE PROVISIONS

All operators shall ensure the provision of adequate, safe, hygienic, and visitor-friendly facilities to enhance overall customer experience and comfort.

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8.1. Pre-Departure (Onshore)

1. Safe, shaded, and organized waiting areas for visitors
2. A clearly designated ticketing and information point with full tour details, pricing, duration, and safety guidelines
3. Clean and well-maintained sanitary facilities with regular hygiene upkeep
4. Basic changing/preparation facilities where applicable for visitor readiness before departure
5. Indemnity Form/ Guest safety declaration
6. Mandatory visitor briefing before departure covering:
 - Safety procedures and emergency protocols.
 - Responsible whale and dolphin watching practices.
 - Expected sea conditions and voyage duration.
 - Seasickness awareness and preventive measures

8.2. Onboard Facilities

1. Adequate, safe, and comfortable seating with weather protection (shade/canopy).
2. Strict cleanliness and no-sea-waste-discharge policy. (Suitable waste collection bins shall be provided and all waste shall be returned to shore for proper disposal.)
3. Provision of safe Food & Beverages for all passengers. (optional)
4. Drinking water- Adequate supply of safe drinking water shall be available onboard
5. Onboard toilets where applicable, especially for longer trips.
6. Optional light refreshments complying with hygiene standards.
7. Interpretation and educational materials. Species identification guides, maps, photographs, or digital interpretation materials should be available to enhance visitor understanding.
8. Passenger capacity limits - the number of passengers carried shall not exceed the certified passenger capacity of the vessel.

8.3. Safety and Comfort

1. Availability of approved life jackets and safety equipment for all passengers.
2. Trained crew for boarding, assistance, and passenger safety management.
3. Safe conduct during wildlife sightings, ensuring passenger control and vessel discipline.
4. Reasonable assistance for elderly, children, and persons with special needs.

8.4. Customer Service

1. Professional and courteous staff conduct at all times.
2. Clear communication before, during and after tours.
3. A structured visitor feedback and complaint system for service improvement.
4. All pricing, tour duration, cancellation policies, and refund procedures shall be clearly communicated prior to booking.
5. Staff shall provide accurate and informative interpretation on whales, dolphins, marine ecosystems, and conservation issues throughout the tour.

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8.5. Staff Service

1. Training and development programs shall be conducted, and records shall be maintained (including responsible whale watching practices, maintaining safe distances and minimizing disturbance, first aid service, lifesaving & all the other specialized areas).
2. Regular staff meetings shall be held prior to the commencement of operations and at the end of each day.
3. Staff shall be capable of responding effectively in emergency situations.

9. SUSTAINABLE TOURISM PRACTICES

All operators and participants engaged in whale and dolphin watching activities shall:

1. Implement a sustainable tourism policy incorporating environmental protection, cultural and social engagement
2. Ensure zero discharge of waste and maintain proper waste management practices
3. Avoid sensitive habitats and comply with all wildlife interaction regulations
4. Minimize emissions, noise, and resource use through proper vessel maintenance for efficient / eco Friendly operations
5. Prevent overcrowding and limit disturbance to marine mammals
6. Promote environmental awareness and responsible visitor behavior
7. Minimize single-use plastics and encourage eco-friendly alternatives
8. Foster social responsibility, including engagement with local communities, supporting local livelihoods, and promoting cultural and environmental awareness
9. Support and collaborate on marine conservation and sustainability initiatives
10. Minimize disturbance to whales and dolphins through responsible viewing behavior.
11. Adopt the requirements of MARPOL Annex I and annex V.
12. Adopt the Blue Flag criteria applicable to tourism boats for obtaining blue flag certification.
13. Maintain the necessary equipment and preparedness measures to respond to small-scale oil spills, including an oil spill contingency plan and appropriate oil spill response equipment.