



University of Gdansk

**SYSSELMANNEN
PÅ SVALBARD**

Att.: Katarzyna Zmudczynska-Skarbek

**THE GOVERNOR OF SVALBARD
ГУБЕРНАТОР СВАЛБАРДА**

Our date:
21.06.2021

Our reference
19/00955-11

Your date:
13.05.2021

Reply on research application - RiS-ID 11259 - Recognition of the seabird colony influence on shallow littoral zone at Bear Island - Svalbard

The Governor refers to your application dated 03.05.2021, RiS-ID 11259, concerning your project "*Recognition of the seabird colony influence on shallow littoral zone at Bear Island (Svalbard)*". We also refer to your e-mails to Sysselmannen regarding the application dated 24th of May and 4th of June 2021.

Application

The aim of the fieldwork is to collect algae and fauna-samples by hand when scuba diving:

- (a) 40 samples of two selected, commonly and abundantly occurring species of benthic producers (algae).
- (b) 60 samples of two selected, commonly, and abundantly occurring species of benthic invertebrate carnivores/detritivores (e.g. hermit crabs, whelks), and of invertebrates from under the stones of intertidal zone.

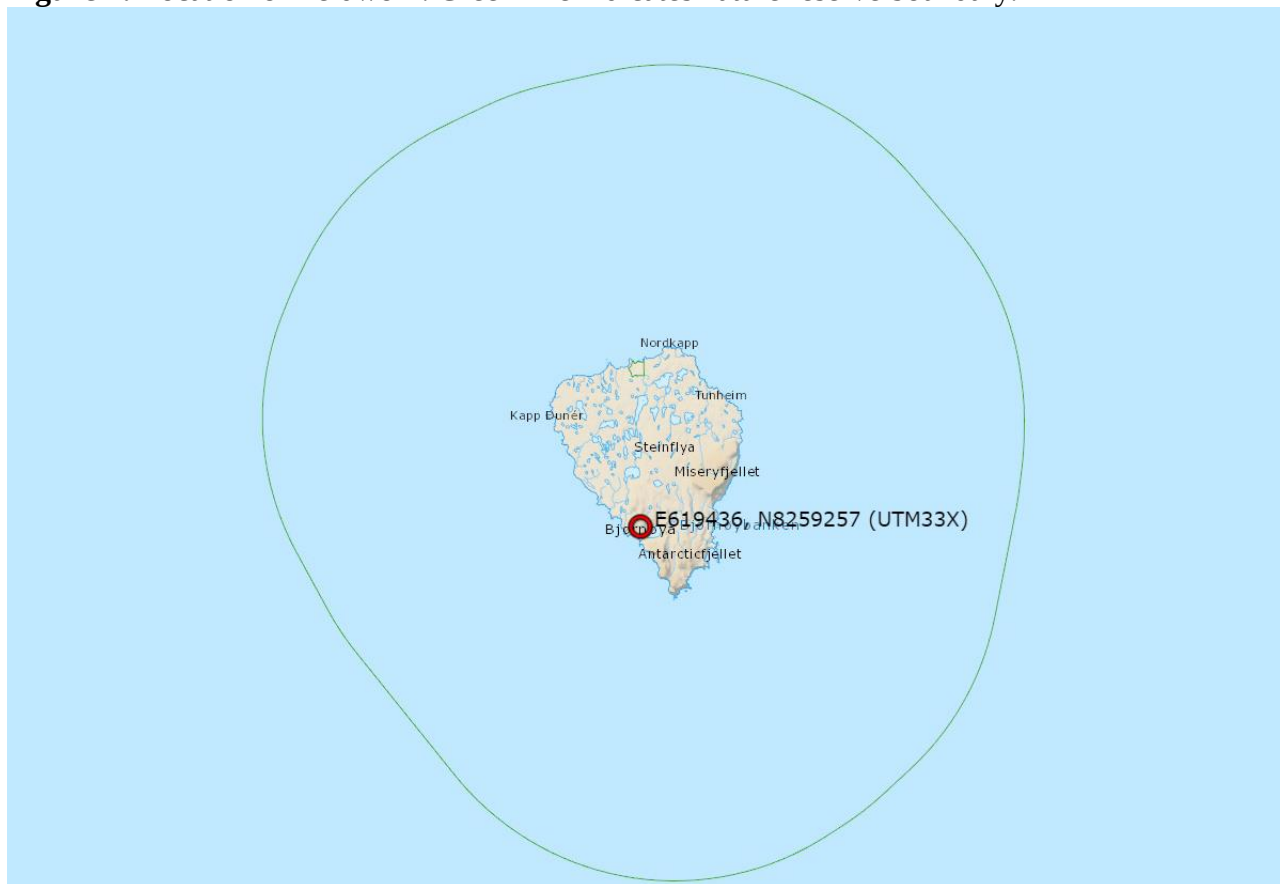
Due to the application decision on the species will be made after recognition of local benthic habitat in the field.

The bottom will be photographed during scuba diving. Furthermore, circumnavigation of the island is planned for recognition and selection of logistically suitable sites (considering depth, wave action, landing possibility, land base access etc.) for the future studies on the topic.

A yacht and a rubber boat with engine will be used for local transport between the study sites in the marine coastal area, and as a base for scuba diving. During the fieldwork the research team will stay onboard the sailing yacht Magnus Zarembo.

The fieldwork is planned to be performed from 10.07.2021-24.07.2021.

Figure 1: Location of fieldwork. Green line indicates nature reserve boundary.



Regulations

The Svalbard Environmental Protection Act of 15 June 2001 apply. According to the Act section 25 all species of flora and fauna, including their eggs, nests and lairs, are protected. Section 37 give the Governor the authority to grant exemptions for scientific purposes or when other special reasons so indicate.

The field work is planned within Bjørnøya nature reserve where the Regulation relating to the protection of Bjørnøya nature reserve of 16 August 2002 apply. The nature reserve includes the sea areas within 12 nautical miles from the island, cf. the Regulation sections 1 and 2 and figure 1.

According to the Regulation section 5, fauna, flora, fossils and skeletal parts are not to be removed, and shall be protected against damage and disturbance of every kind. Commercial species regulated for marine harvest are exempt from the regulation.

The Regulation section 9 determines a traffic ban in delimited zones A and B shown at map in the Regulation (www.lovdato.no). The traffic ban applies both at sea and on land nearby large seabird colonies from 1st of April – 31st of August. The ban does not preclude traffic on water with vessels less than 40 feet.

According to section 13 in the Regulation, the Governor may grant exemptions for scientific purposes if this is not in conflict with the purpose of the nature reserve or not have any notable impact on the protected values.



The Governor's considerations

Collecting samples of flora and fauna is prohibited in Bjørnøya nature reserve. As we consider, the number of marine samples planned for (40 algae samples and 60 fauna samples) is however modest. The application does not describe the expected sample size. As for the fauna we assume that one sample equals one individual, and for the algae, we assume that one sample is either a piece of an individual or equals one individual. Based on these assumptions we consider the risk of notable impact on flora or fauna to be minimal. We thus conclude that the applied collection of samples does not conflict with the purpose of the nature reserve or not have any notable impact on the protected values. The purpose of the measures is clearly scientific.

On this basis the Governor consider that we can grant permission for collecting samples of benthic algae and selected marine invertebrates in the intertidal zone as described in the application, cf. the Regulation § 13.

The planned circumnavigation of the island for the future studies on the topic is not specified in the application. If the activity includes travelling around Bjørnøya, and your vessel exceeds 40 feet, you must be aware of the traffic-ban areas, zone A and B according to the Regulation. As we can see, you do not explicitly apply for an exemption from the traffic ban. For your information though, as we consider, this project does not justify for an exemption.

Photography during scuba diving does not require any special permission.

The Governor's decision

The Governor has considered your application and made the following decision:

Under the provisions of the Regulation relating to the protection of Bjørnøya nature reserve of 16 August 2002 § 13, The Governor grants University of Gdansk by project owner Katarzyna Zmudczynska-Skarbek permission to collect up to 40 samples of two selected species of benthic algae and up to 60 samples of benthic invertebrates in the intertidal zone in Bjørnøya as described in the application. The permission is valid in the period 10th of July – 24th of July 2021.

The Governor's permission is granted on the following conditions:

- All collection of samples must be done with special care, as to minimize negative impact on breeding birds, marine flora and fauna.
- The sample sizes must be restricted to the amount strictly needed to fulfil the current survey.
- During all field activities you must strive to minimize the time spent in areas involving a risk of disturbing (breeding) birds and mammals.
- The project owner shall provide for the immediate reporting of possible accidents/irregularities to the Governor.
- The project shall submit a report from the field work by **1st of November 2021**. The template for this report can be found on the Governors web pages.
- All equipment you bring during the field trip, and all waste items, are to be removed and brought back to land.



- When carrying out the projects, the researchers shall show consideration towards other users of the areas in such a way that the research does not seem provoking or destroy people's wilderness experience.
- These exemptions are only valid for the people included in the projects.
- A copy of this permission must be brought along during the fieldwork.

Traffic ban from April –August

Be aware of the traffic ban in zone A and B cf. the Regulation. You are not allowed to visit these areas with a vessel that exceeds 40 feet in the period from 1st of April – 31st of August. If you visit the areas with an allowed vessel, or travel nearby any other seabird colony areas, it is still not allowed to disturb the breeding birds.

Travel notification

Please notice that your planned field work outside Management Area 10 requires notification to the Governor according to the regulation FOR-1991-10-18-671 on travel in Svalbard (the Tourism Regulation). The notification form is available here: [Notification of travel plans](#).

Duty of care

The Governor calls attention to the duty of care in the Svalbard Environmental Protection Act § 5 first sentence, *“Any person who is staying in or operates an undertaking in Svalbard shall show due consideration and exercise the caution required to avoid unnecessary damage or disturbance to the natural environment or cultural heritage.”*

Right to complain

According to Norwegian law you are entitled to complain about the present decision. Written complaints must be submitted within three weeks of receiving this letter. The complaint must be submitted to the Governor.

Regards

Kristin Heggelund
Head of Environment Protection

Ingunn Løvdal
Advisor nature management

<i>This document is approved and expedited electronically without signature</i>

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Miljødirektoratet