

Katarzyna Zmudczyńska-Skarbek



**SYSSELMESTEREN  
PÅ SVALBARD**

Our date:  
12.07.2021

Our reference  
19/00955-22

Your date:  
09.07.2021

## **Rejection of application for traffic in nature reserve areas with traffic ban in Bjørnøya - with reference to RiS-ID 11259**

The Governor refers to your application dated 09.07.2021, RiS-ID 11259, concerning your project *“Recognition of the seabird colony influence on shallow littoral zone at Bear Island (Svalbard)”*.

We also refer to our reply on RiS-ID 11259, dated 21.06.2021, our reference 19/00955-11.

### **Application**

University of Gdansk by Katarzyna Zmudczynska-Skarbek asks for permission to traffic into the seabird breeding ban zone in the southern part of Bjørnøya during their fieldwork 10.07.2021-24.07.2021, cf. the Governor's reply for RiS-ID 11259 dated 21.06.2021. According to the application the fieldworkers will be staying onboard a sailboat, about 55 feet long, and use a Bombard rubber boat when go scuba diving. The primary plan is to dive in Evjebukta if only the weather is good enough, anchoring the sailing-vessel in Sorhamna, Kvalrossbukta, Norskehamna and/or Russehamna. Due to demanding and rapidly shifting weather conditions in this region, described in the application as for example dense fog, strong winds and waves and that it sounds much safer for those whose being in/around the rubber boat at that time (each time two people in the boat, and two divers underwater) the applicant wants to anchor the main-vessel closer to the scuba diving-area than in the abovementioned bay. Evjebukta is located within a traffic-ban zone in the nature reserve. The traffic-ban period is from 1<sup>st</sup> of April-31<sup>st</sup> of August.

**Figure 1:** South part of Bjørnøya. Red areas are traffic-ban zone from 1<sup>st</sup> of April-31<sup>st</sup> of August to protect breeding birds.

The Svalbard Environmental Protection Act of 15 June 2001 apply.

The Regulation section 9 determines a traffic ban in delimited zones A and B shown at map in the Regulation ([www.lovdato.no](http://www.lovdato.no)), cf. also figure 1 this letter. The traffic ban applies both at sea and on land nearby large seabird colonies from 1<sup>st</sup> of April – 31<sup>st</sup> of August. The ban does not preclude traffic on water with vessels less than 40 feet.

## The Governor's considerations

According to the principle of cumulative environmental effects, the Act section 8, any activity that is started on Svalbard shall be assessed on the basis of the cumulative effects on the natural environment that would result. A broad range of scientific institutions and scientists can invoke a



scientific interest in performing field work as applied for in the traffic-ban period. A management practice allowing such traffic, may as we consider it, both give a notable impact on the protected values and conflict the purpose of the Regulation.

We also emphasize the principle of environmental sound technology and factor inputs, the Act section 10. The principle states that activities in Svalbard shall make use of the technology that puts the least possible pressure on the environment. This principle also applies when choosing the location of activities and measures. The weather conditions in Bjørnøya are well known and cannot justify for planned traffic in a traffic-ban zone. Thus, we cannot see that the application justifies the need of traffic with a vessel > 40 feet within the traffic ban areas.

Please note that the Governor in our reply on RIS-ID 11259, dated 21.06.2021, notified that we considered that the current project does not justify for an exemption from the traffic ban.

### **The Governor's decision**

**The Governor does not grant permission for traffic with a vessel larger than 40 feet as applied for in the traffic ban zones in Bjørnøya nature reserve.**

The activities applied for are not in accordance with the principles regarding the exercise of authority under the Svalbard Environmental Protection Act, cf. sections 8 and 10. The Governor consider that the traffic may have negative impact on the breeding birds and that a permission may conflict with the purpose of the Regulation, cf. section 3.

### **Traffic ban from April –August**

Please note that if you visit the areas with a traffic ban in Bjørnøya (zone A and B cf. the Regulation) with an allowed vessel (less than 40 feet), or travel nearby any other seabird colony areas, it is still not allowed to disturb the breeding birds.

### **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

Ingvild Øyjordet  
Acting Head of Environment Protection

Ingunn Løvdal  
Advisor nature management



*This document is approved and expedited electronically without signature*

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Miljødirektoratet