

Regulations concerning protection of Bjørnøya Nature Reserve in Svalbard

Laid down by the Royal Decree of 16 August 2002 pursuant to sections 12 and 17 of the Act of 15 June 2001 No. 79 relating to the protection of the environment in Svalbard (Svalbard Environmental Protection Act). Submitted by the Ministry of the Environment.

Amended by the Regulations of 12 December 2008 No. 1345, 19 November 2010 No. 1457.

Chapter I. Introductory provisions

Section 1. Protection

Bjørnøya's land areas and territorial waters out to 12 nautical miles are protected as a nature reserve under the name of Bjørnøya Nature Reserve.

Amended by the Regulations of 19 November 2010 No. 1457.

Section 2. Delimitation and extent

The protected area comprises

- a) the whole island, with the exception of a small land area surrounding the station to the north, and
- b) territorial waters out to 12 nautical miles.

The nature reserve comprises a land area of approximately 177 km² (including freshwater) and approximately 2805 km² of the surrounding sea. The boundary of the reserve is shown in the appended map on scales of 1:350 000 and 1:50 000, issued by the Ministry of the Environment in December 2008. The exact boundaries of the reserve shall be marked where they cross land, and the bending points shall be determined by coordinates.

The map shall be kept by the Governor of Svalbard, the Directorate for Nature Management and the Ministry of the Environment.

Amended by the Regulations of 12 December 2008 No. 1345.

Section 3. Purpose

The purpose of the protection is to conserve an almost undisturbed and, in world terms, unique isolated island, with a distinctive ecological system, magnificent scenery, distinctive geology, flora and fauna, and landforms and many cultural remains; safeguarding in particular

- a) the island as a key area for seabirds in the Barents Sea, including vulnerable species,
- b) the island as a resting location for migrating birds,
- c) the close connection between life in the sea and on land,
- d) the distinctive ecology developed on isolated islands and
- e) the historical perspective represented by cultural remains from all the main eras of Svalbard's history.

Chapter II. Protection provisions

Section 4. Landscape/Natural and cultural environment

No interventions or measures must be implemented that may alter the natural or cultural environment, such as erection of buildings, plant and fixed installations, setting up portable cabins and the like, laying leads and cables, extracting, filling, moving and storing deposits,

levelling the ground, dredging the seabed or scraping the ground, drainage measures, drilling, blasting or the like or extraction of minerals or oil.

This provision shall not preclude use of permitted fishing or hunting gear.

Section 5. *Plants, animals and fossils*

Animals, plants and other living organisms are protected against damage, destruction and disturbance of any kind not brought about by permitted traffic. Fossils or parts of skeletons must not be removed or damaged.

With the exception of the first paragraph, fishing in the sea and hunting of non-indigenous sea mammals are regulated in accordance with regulations issued by the Ministry of Fisheries and Coastal Affairs.

Sea fishing using a rod and line or a handline is permitted.

Plant and animal species, including genetically modified species or varieties, must not be introduced.

Amended by the Regulations of 12 December 2008 No. 1345.

Section 6. *Cultural remains*

Cultural remains are protected pursuant to chapter V of the Svalbard Environmental Protection Act.

Section 7. *Pollution*

All air, water and soil pollution that involves or may involve damage or nuisance to the environment is prohibited with the exception of pollution owing to permitted motor traffic.

Disposing of or emptying waste is prohibited.

Substances and objects that may be harmful to plants and animals, that are unsightly or that may constitute a pollution hazard must not be stored or left behind.

Section 8. *Traffic*

Landing of aircraft is prohibited. Aircraft shall maintain a minimum altitude of 500m over the reserve when weather conditions so permit.

During the period from 1 April to and including 31 August, flying closer than one nautical mile from known concentrations of birds and mammals is prohibited. During the same period, it is prohibited to sound ships' sirens, fire shots or otherwise make other loud noises within a distance of one nautical mile of bird cliffs.

Use of all-terrain vehicles is prohibited.

The prohibition laid down in the third paragraph shall not preclude

- a) access by snow scooters on frozen and snow-covered ground for transport of supplies to the station, if weather conditions entail that ships must put into other places on the island than the station, or
- b) access by snow scooters on frozen and snow-covered ground in connection with transport of necessary equipment for maintenance of communications masts and radio beacons south, south-east and east of the station.

Section 9. *Prohibition of traffic in specific zones*

In the vicinity of the large bird colonies, all forms of traffic on land and water are prohibited during the period from 1 April to and including 31 August.

The prohibition shall not preclude

- a) traffic on water by means of boats of 40 feet or less or
- b) traffic in connection with use of the area as a port of refuge.

In an area on the north-east of the island, all forms of traffic on land and in freshwater are prohibited during the period from 15 June to and including 31 August out of regard for nesting birds.

The zones where traffic is prohibited are indicated on the protection map.

Section 10. *Regulation of access*

The Directorate for Nature Management may by regulations prohibit or regulate all access throughout or in parts of the reserve if deemed necessary in order to avoid disturbance of wildlife or wear and tear on vegetation or cultural remains.

Chapter III. Exceptions, permits and exemptions

Section 11. *Emergency services and inspection operations*

The provisions of chapter II shall not preclude implementation of measures for the purposes of inspection and administration or in connection with police, coastguard, rescue or ambulance operations.

Section 12. *Special permits*

The administrative authority may in response to an application permit

- a) necessary transport of materials and personnel in connection with maintenance of established buildings, plant and installations,
- b) necessary transport of fuel and supplies to the cabins and
- c) necessary clearance of polluted ground.

Section 13. *Exemption from protection provisions*

When so indicated by scientific or special grounds, for example storage of safety and emergency equipment and establishment and maintenance of necessary navigational aids and control systems for petroleum production in connection with any future exploration drilling or operation of oil fields in the waters outside Bjørnøya, the administrative authority may grant exemptions from the protection provisions of chapter II provided this does not conflict with the objectives of the protection regulations and would not have a significant impact on the conservation value of the area.

Chapter IV. Final provisions

Section 14. *Administrative measures*

The administrative authority or the body so authorised by the administrative authority may implement administrative measures to further the objectives of the protection. A management plan may be prepared providing more detailed guidelines for implementation of such measures. The plan shall be approved by the Directorate for Nature Management in consultation with the Directorate for Cultural Heritage.

Section 15. *The administrative authority*

The Governor of Svalbard is the administrative authority pursuant to these Regulations.

Section 16. *Penal provisions*

Any person who wilfully or negligently violates provisions laid down in or pursuant to these Regulations shall be liable to fines or imprisonment for a term not exceeding one year. If a risk of substantial environmental damage has occurred or been caused or if there are especially aggravating circumstances, a term of imprisonment not exceeding three years may be imposed.

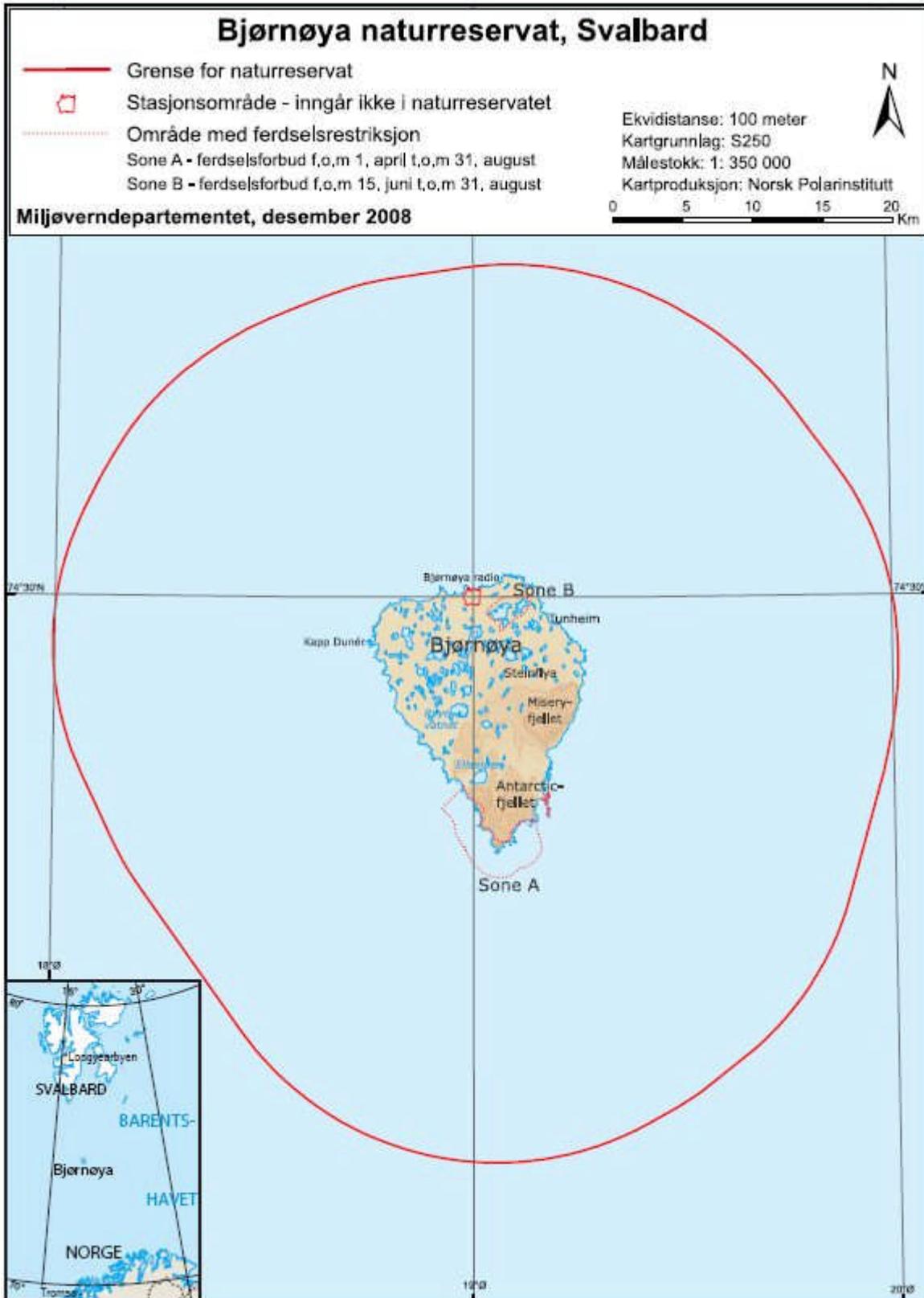
Any person who aids and abets such an offence shall be liable to the same penalty.

Section 17. *Entry into force*

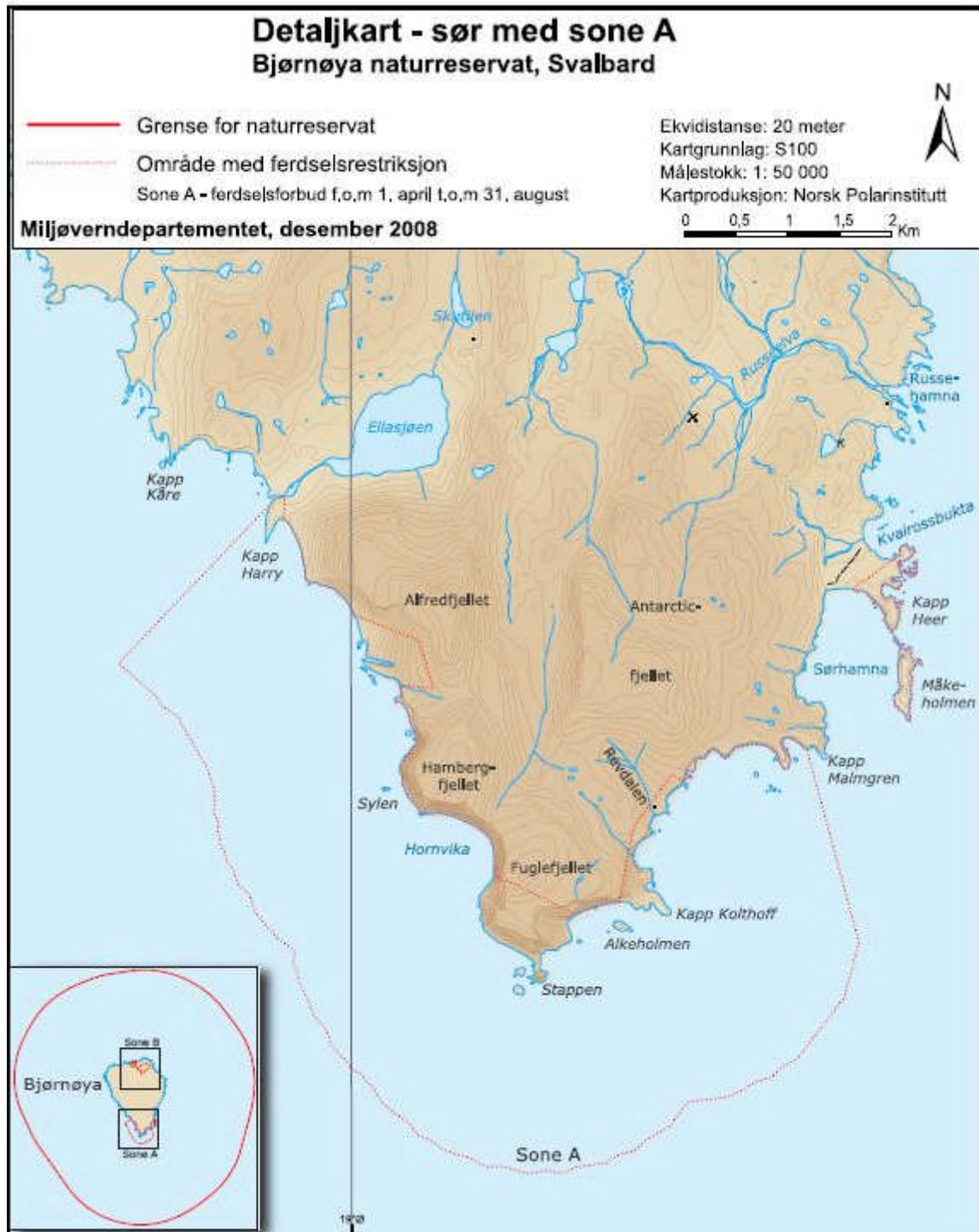
These Regulations shall enter into force immediately.

Maps

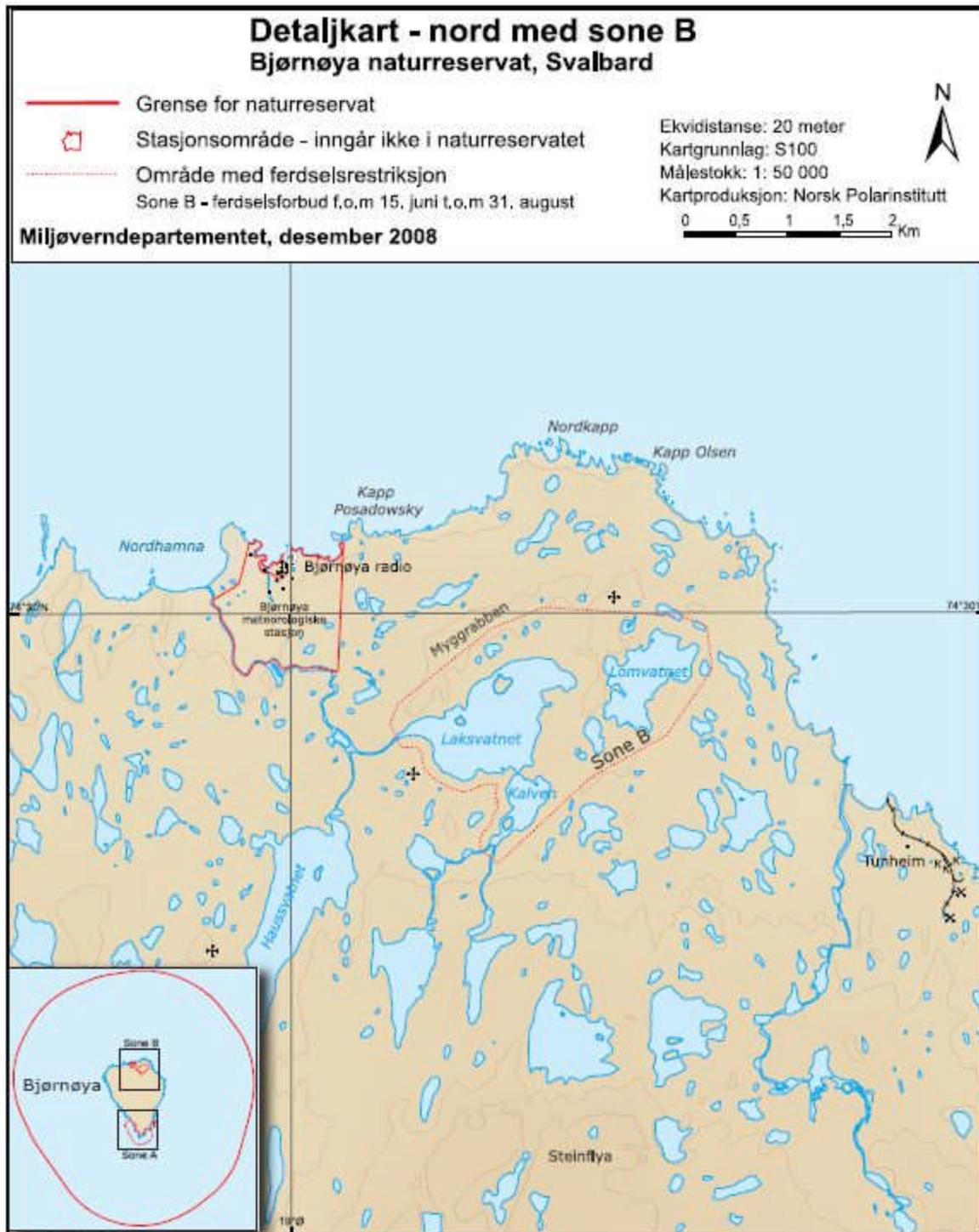
Bjørnøya Nature Reserve, Svalbard



Large-scale map – south including zone A



Large-scale map – north including zone B



Added by the Regulations of 12 December 2008 No. 1345.