

Regulations concerning protection of Hopen Nature Reserve in Svalbard

Laid down by the Royal Decree of 26 September 2003 pursuant to sections 12, 17, 21 and 22 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 Act of 19 December 2003 No. 1590.

Section 1. Protection

The island of Hopen in Svalbard is protected as a nature reserve under the name of Hopen Nature Reserve.

Section 2. Delimitation and extent

The protected area comprises

- the whole island with the exception of a small land area surrounding the station on the east side of the island
- the surrounding territorial waters.

The nature reserve comprises a land area of approximately 46 km² and approximately 3 208 km² of the surrounding sea, and affects land registration No. 1.

The boundary of the nature reserve is shown in the appended map on scales of 1:400 000 and 1:10 000, issued by the Ministry of the Environment in December 2003. The bending points for the excepted area shall be determined by coordinates.

The protection regulations with appended maps shall be kept by the Governor of Svalbard, the Directorate for Nature Management and the Ministry of the Environment.

Amended by the Regulations of 19 December 2003 No. 1590 (in force from 1 January 2004).

Section 3. Purpose

The purpose of the protection is to conserve an almost undisturbed Arctic island with the surrounding marine areas, including the seabed, particularly involving the securing of:

- the island as a denning, migration and feeding area of major importance for polar bears
- the island as an important nesting area for seabirds
- the close connection between life in the sea and on land
- characteristic landforms
- the area as an area of scientific importance.

Section 4. Protection provisions

1. Landscape and natural environment

1.1 Activities must not be carried out that may affect landscape or natural environment, such as erection of buildings, construction of installations including tank facilities and fixed installations, setting up portable cabins and the like, laying leads and cables, extracting, filling, moving and storing deposits, levelling, constructing roads, quays, airstrips, etc., dredging the seabed or scraping the ground, drainage measures, drilling, blasting or the like and extraction of minerals, oil and fossils.

1.2 The provision of 1.1 shall not preclude

- use of permitted fishing and hunting gear.

2. *Plants and animals*

- 2.1 Animals, plants and other living organisms are protected against damage, destruction and disturbance of any kind not brought about by permitted traffic.
- 2.2 Plant or animal species, including genetically modified species and varieties must not be introduced.
- 2.3 The provision of 2.1 shall not preclude
 - fishing for saltwater fish and crustaceans and hunting of sea mammals not indigenous to Svalbard in accordance with rules issued by the Ministry of Fisheries
 - gathering of mushrooms for own consumption
 - collection of flora for research or teaching purposes where this does not significantly encroach on local populations of the flora involved
 - use of driftwood as fuel at the station, for maintenance of and fuel for existing cabins on the island and fuel for small campfires on the site.

3. *Cultural remains*

The cultural remains in the area are subject to chapter V of the Svalbard Environmental Protection Act and decisions made pursuant to the Act.

4. *Traffic (non-motorised and motorised)*

- 4.1 All traffic shall be conducted in a manner that does not damage or otherwise impair the natural environment or cultural remains or result in unnecessary disturbance of human beings or wildlife.
- 4.2 Camping activities are subject to the Svalbard Environmental Protection Act and regulations issued pursuant to the Act.
- 4.3 All use of motorised all-terrain vehicles is prohibited.
- 4.4 Landing of aircraft is prohibited. The minimum altitude is subject to the provisions of the Aviation Act and the Svalbard Environmental Protection Act and regulations issued pursuant to these Acts. Flying closer than one nautical mile from known large concentrations of mammals and birds is prohibited.
- 4.5 The Directorate for Nature Management may by regulations prohibit or regulate all access throughout or in parts of the nature reserve if deemed necessary in order to avoid disturbance of wildlife or wear and tear on vegetation or cultural remains.

5. *Pollution*

- 5.1 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.
- 5.2 Leaving behind or emptying waste is prohibited.
- 5.3 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 5. *General exception*

The provisions of section 4 shall not preclude

- operations by the fire, police or rescue services and inspection or supervision pursuant to sections 77 and 87 of the Svalbard Environmental Protection Act.

Section 6. *Exemptions and permits*

The administrative authority may within the framework of the Svalbard Environmental Protection Act permit

- alterations and small extensions to existing buildings
- reconstruction of buildings destroyed by fire or by a natural disaster
- landing of aircraft in connection with supervision, maintenance and operation of lighthouses and other public navigation aids
- traffic by snow scooters on frozen and snow-covered ground for transport of supplies to the station if ships must put into other places on the island than the station owing to weather conditions
- necessary transport in connection with maintenance of existing cabins and transport of fuel and supplies to the cabins
- establishment of temporary quay installations outside the station area in connection with the exploration phase of petroleum activities in the northern part of the Barents Sea.

In addition to the measures referred to in the first paragraph, the administrative authority may grant exemptions from the protection provisions of section 4 when so indicated by scientific or special grounds, including regard for the specific recreational needs of the resident staff of Hopen meteorological station.

Permits or exemptions as referred to in the first and second paragraphs may only be granted if the measure applied for does not conflict with the purpose of the protection regulations and would not have a significant impact on the conservation value of the area.

In an exemption or permit, the grounds for the decision shall include an account of how the administrative authority has evaluated the impact that the exemption or permit may have on the environment and the weight that has been attached to this.

Section 7. *Maintenance*

The administrative authority or the body so authorised by the administrative authority may implement maintenance measures to further the purpose of the protection. A plan may be drawn up 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 8. *The administrative authority*

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

Section 9. *Penal provisions*

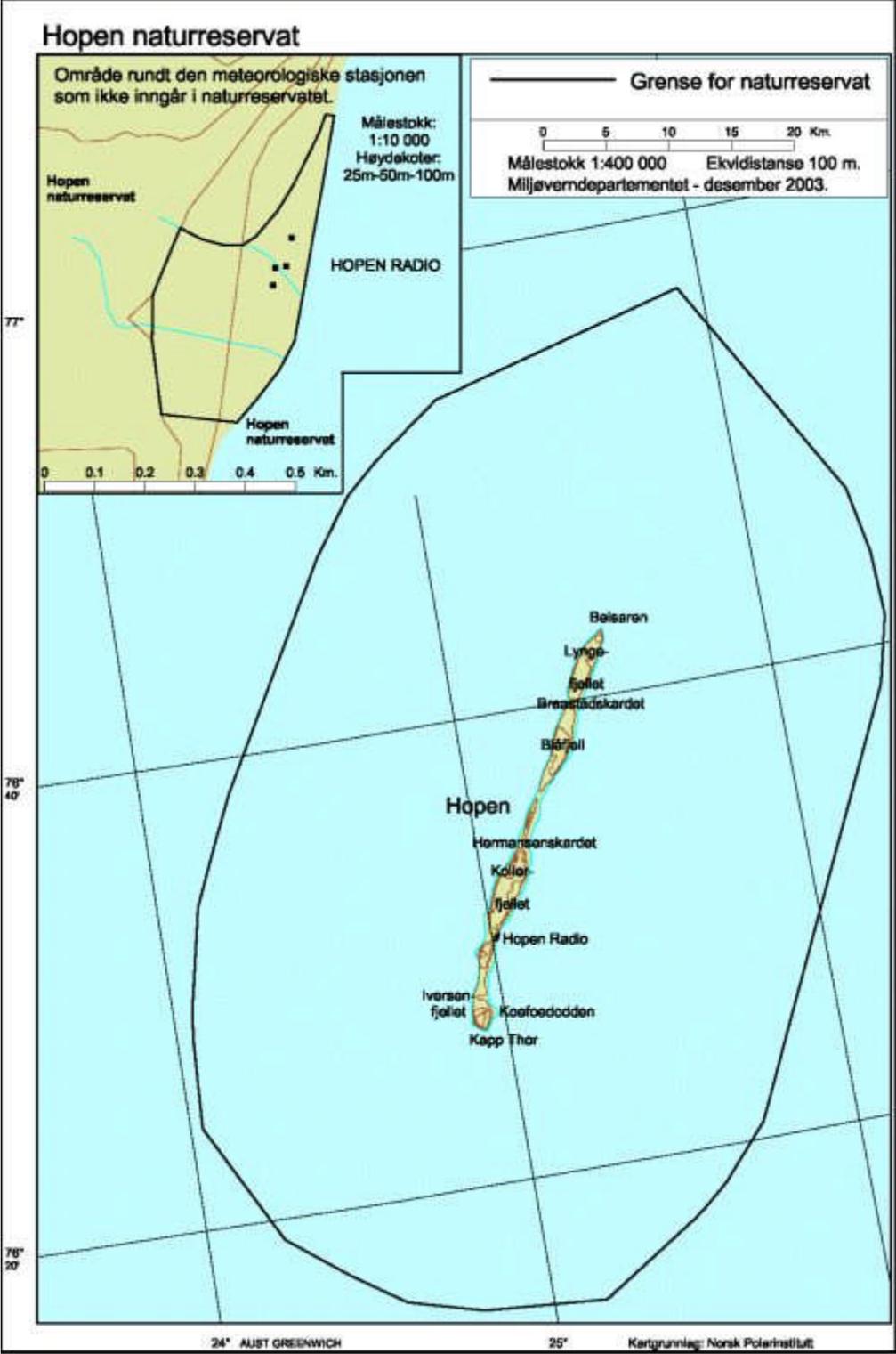
Any person who wilfully or negligently violates provisions laid down in or pursuant to these Regulations shall be liable to fines or imprisonment for a term not exceeding one year. If a risk of substantial environmental damage has occurred or been caused or if there are especially aggravating circumstances, 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 10. Entry into force

These Regulations shall enter into force immediately.

Map



Amended by the Regulations of 19 December 2003 No. 1589 (in force from 1 January 2004)