

Strasbourg, 3 September 2018  
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T-PVS/Files(2018)35

CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE  
AND NATURAL HABITATS

**Standing Committee**

38<sup>th</sup> meeting  
Strasbourg, 27-30 November 2018

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**Other complaints**

**Possible negative impact on *Breiðafjörður*  
Nature Reserve's authentic birch woods from  
new road infrastructure (Iceland)**

**- COMPLAINT FORM -**

*Document prepared by  
Iceland Nature Conservation Association and Fuglavernd BirdLife Iceland*

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**Convention on the Conservation of  
European Wildlife  
and Natural Habitats**



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**COMPLAINT FORM**

***NB: Complaint forms must be submitted in electronic word format, and not exceed 3 pages, including the first administrative page. A maximum 5-page report can be attached. The Secretariat will request additional information on a case-by-case basis.***

Please, fill in this form and send it to the attention of:

**Iva OBRETENOVA**

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On behalf of: Myself, [Iceland Nature Conservation Association \(http://natturuvernd.is\)](http://natturuvernd.is) and [Fuglavernd BirdLife Iceland \(https://fuglavernd.is\)](https://fuglavernd.is).

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Date: **25.11.2017**

**Best regards**

**1. Please state the reason of your complaint (refer also the Contracting Party/es involved and the Articles of the Convention which might be violated).**

The Icelandic Road Administration (hereafter called IRA) plans to build a new road through Teigsskógur, one of the largest authentic birch woods (*Betula pubescens*) in the North-western peninsula of Iceland and causeways over the mouth of two fjords: Djúpi fjörður & Gufufjörður. The road will be in the nature reserve *Breiðafjörður*, threatening the integrity of the nature reserve.

The initial plans date back to 2004-2005, when IRA planned to rebuild a road through this area. The alternative then was a road over a 336 m high “mountain”, Hjallaháls. After the environmental assessment, where many consulting institutions were involved, the National Planning Agency rejected this route (called “leið B” then) on grounds of its very extensive environmental impact. The decision of the National Planning Agency was overturned by the minister of the environment in 2006. This ruling was then directed to the district court by the landowners and some Nature Protection NGOs where the decision of the minister was overturned and the court confirmed the previous decision of the National Planning Agency. IRA appealed to the Supreme Court of Iceland, which confirmed the lower court decision. The NGOs involved were *Fuglavernd BirdLife Iceland* and [Iceland Nature Conservation Association](http://natturuvernd.is) with a great support from *Landvernd, Icelandic Environment Association*.

After going twice to court and losing the case twice it was clear that IRA had to change their plans. A new environmental assessment was completed in 2016-2017, and a few alternative routes given for this new road, including road tunnel under the 336 m high Hjallaháls (called “leið D2”). But the road through the Teigsskógur wood and on causeways over the fjords is still in! Now it is called “leið Þ-H”.

In my view, it is practically the same route as suggested before, but has been moved some meters to the left or right at some locations. This seems also to be the opinion of the National Planning Agency which according to the current legislation issues only opinions, not decrees as before. At this moment two lines will be considered, “leið Þ-H” and the road tunnel option.

The road tunnel alternative (at elevation ca 40 m a.s.l.) is more expensive than “leið Þ-H”. But I have pointed out that a road tunnel at elevation circa 110 m a.s.l. would even be economically more feasible, involving less costs, than “leið Þ-H” when all things are considered. The IRA seems not to listen on that argument. Needless to say, the tunnel alternative has much less environmental impact than “leið Þ-H”. That is clear from the environmental impact assessment and not contested by other stakeholders.

There was, and is sadly still, some political pressure to build this road according to the “leið Þ-H”, through the wood and over the fjords. Even a few representatives at the Icelandic parliament (3-4 from the NW-district) have said that the *only way* is to issue a special law permitting this, despite the EIA. I am not sure that that has been done before here in Iceland.

Among the consulting national institutions that have been asked for opinion on this project during the environmental assessments and considered “leið B” and “leið Þ-H” the worst of the alternatives, are the Marine & Freshwater Research Institute, the Icelandic Institute of Natural History, the Environment Agency of Iceland, the Cultural Heritage Agency of Iceland, and the Icelandic Forest Service.

**2. Which are the specific specie/s or habitat/s included in one of the Appendices of the Bern Convention potentially affected? (Please include here information about the geographical area and the population of the species concerned, if applicable)**

The area where IRA plans to build “leið Þ-H” along the virgin birch wood and on causeways over the fjords is either protected by Icelandic law in various ways or “needs to be protected”, i.e. is on the National Registry of areas of conservation interest. The wood itself is no 303 on the aforementioned Registry. Furthermore, a committee established by the Ministry of the environment concluded in 2006 that this wood (and ca 8 others) should be protected or needed protection. But this has still to be done. Extremely rare and protected plants, such as *Paris quadrifolia*, have been found in this wood. The coast in this area is a part of “*Verndarsvæði Breiðafjarðar*” (= Breiðafjörður bay Nature Reserve) which is also a designated Important Bird Area (IBA). The two fjords are important for many migrating bird species such as Knot (*Calidris canutus*) and other species such as Whooper Swans (*Cygnus cygnus*) and are known for kelp growth. “Leið Þ-H” is also very close to a White-tailed Eagle nest (*Haliaeetus albicilla*), but this species is strictly protected in Iceland. Nominations of the Breiðafjörður Bay as Ramsar site, as well as UNESCO World Heritage Site are in progress.

**3. What might be the negative effects for the specie/s or habitat/s involved?**

The IRA plans involving road construction in the Djúpifjörður - Gufufjörður area have to be considered in context with both previous and pending road construction in the Breiðafjörður Bay Nature Reserve. There are 13 smaller fjords in the northern part of the Bay. Three of them have already been affected by causeways and one of them (Gilsfjörður) in such a drastic manner that its ecological character was seriously altered. Causeways are pending in further four fjords: Þorskafjörður, Dúpifjörður, Gufufjörður and Vatsnfjörður. In the south part of the bay there are five main fjords, with a total of three causeways, one of which resulted in changing a large marine area into brackish or mostly fresh waters.

All the previous, current and pending road construction plans of the IRA in the Breiðafjörður Bay Nature Reserve have to be taken in consideration as whole and their synergic impact evaluated properly. Unfortunately, the IRA has during the 22 years since the foundation of the Reserve, with full the support of the Government of Iceland, planned, and in several cases completed, projects which are in serious breach of nature conservation interests in the area.

- 4. Do you know if potentially affected species or habitats also fall under the scope of other international Conventions, (for instance: RAMSAR, CMS, ACCOBAMS, Barcelona Convention, etc) or if the area has been identified as a NATURA 2000/Emerald network site?**

The Breiðafjörður Bay, of which the contested site is an integral part of, is in progress of being nominated as an Emerald network site, according to information provided by the Icelandic Institute of Natural History as this area hosts a large suite of both intertidal habitats and bird species of European conservation concern.

This is likely to breach the AEWf agreement, where Iceland is a joining member, due to high number of migrant bird, including waders and other waterbirds, which use the littoral for feeding and staging. Many arctic waders use the area as stopover site. Hundreds of thousands of seabirds breed in the Breiðafjörður area.

- 5. Do you know if there are any pending procedures at the national or international level regarding the object of your complaint?**

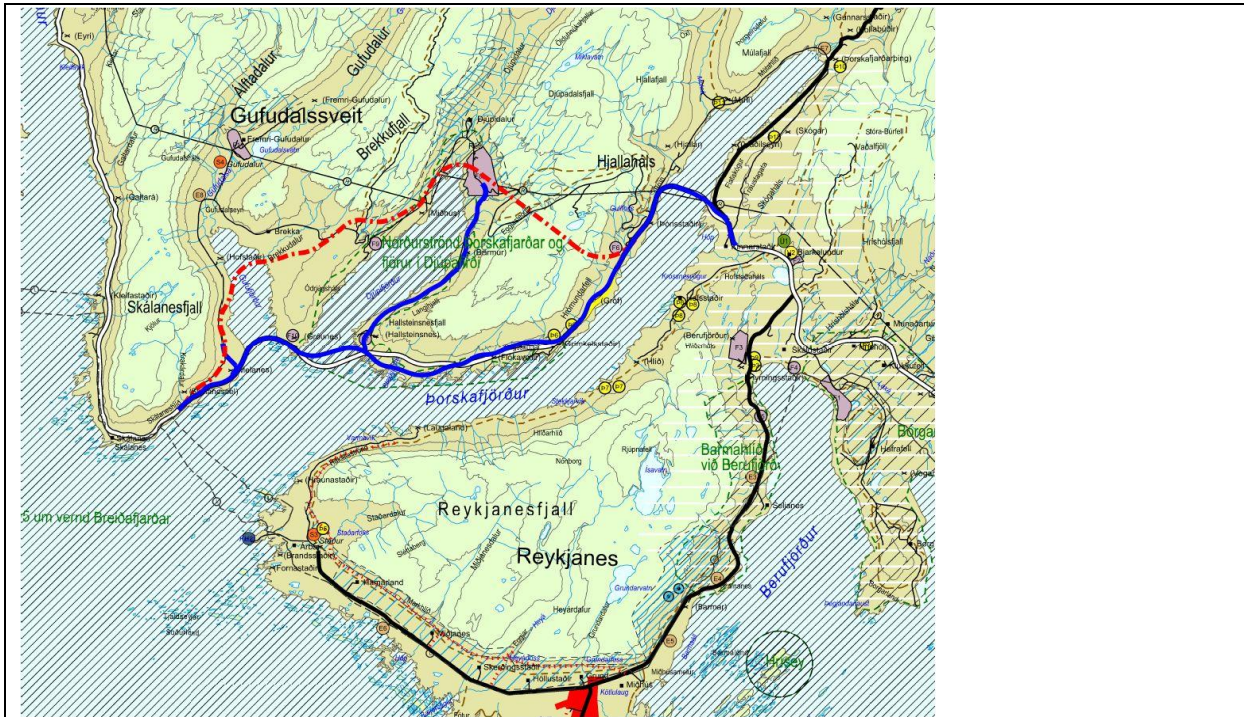
Before IRA can start building this road, the municipality in the area involved, Reykhólahreppur ([www.reykholar.is](http://www.reykholar.is)), must change their master plan (“aðalskipulag”) which must be accepted by the National Planning Agency. Then the municipality can give a construction permit to the IRA. This may all happen in the next few months so time and quick action matters.

- 6. Any other information (existence of an Environmental Impact Assessment (EIA), size of projects, maps of the area, etc)**

The Environmental Impact Assessment is all in the Icelandic language as all documents regarding this case: <http://www.vegagerdin.is/framkvaemdir/umhverfismat/matsskyrslur/vestfjardarvegur-60-milli-bjarkalundar-og-skalaness-matsskyrsls>

Maps of the area are below. The first figure shows the Breiðafjörður area and the red square is shown in more detail on the second map.





“Leid P-H” (along the wood and over the fjords) is the blue line, but the red one is the alternative with a road tunnel (“leið D2”). The current road between the two ends is shown with a thin black line. The white line (under and close to the blue one) is the previous alternative (“leið B”).

Put together: The road as the IRA suggests (the blue line) risks further the integrity of the Breiðafjörður Bay Nature Reserve, as an additional encroachment into a nature area of very high European and international value for birdlife, landscape and important natural woodland. The alternative suggested by the nature protection organisations (the red line with a tunnel under the Hjallaháls heath) saves the fjords and the woodland as well as it seems to be more obvious future road and even more secure in winter.