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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

38th meeting
Strasbourg, 27-30 November 2018

Other complaints

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

- REPORT BY THE GOVERNMENT -

*Document prepared by
the Icelandic Institute of Natural History*

Minnisblað/Memo

Viðtakandi: Náttúrufræðistofnun Íslands
 Höfundur: Jakob Gunnarsson og Birna Árnadóttir
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Subject: Complaint No. 2017/06: Possible negative impact on Breiðafjörður Nature Reserve's authentic birch woods from new road infrastructure

With reference to e-mail from the Icelandic Institute of Natural History, dated 13th March 2018, with request for information for the above subject. Below are answers to the three questions put forward by the secretary of the Bern Conventions on 15th January 2018.

1. The status of the planned road infrastructure and further steps in its development.

The municipal plan for Reykhólahreppur was approved by the Minister for the Environment in August 2009. In the plan, Vestfjarðavegur is planned to be constructed according to route B.

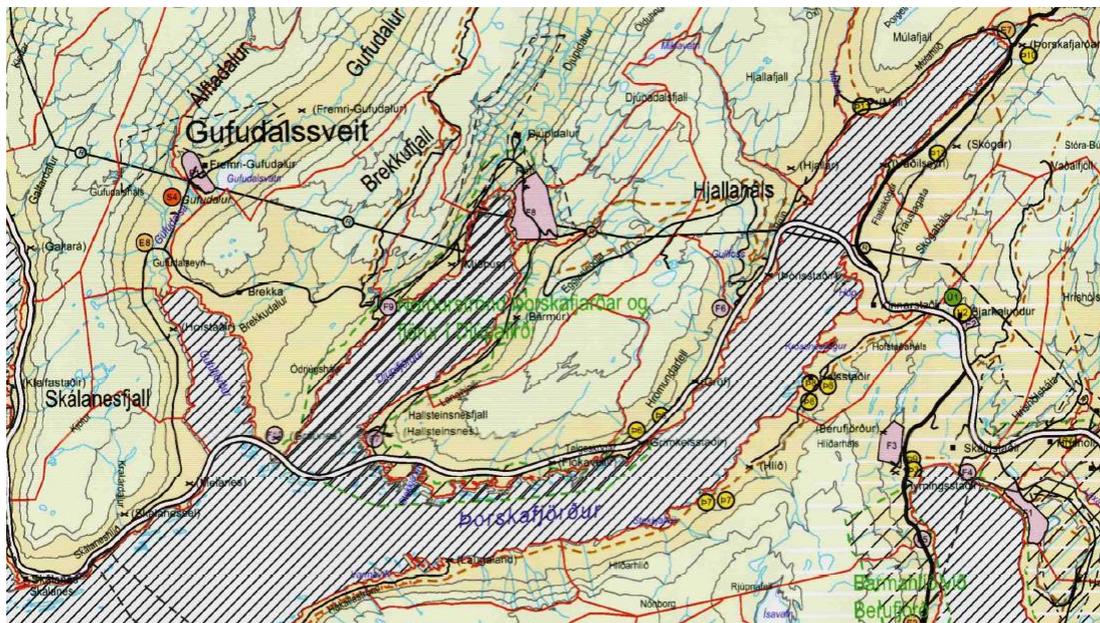


Figure 1. Part of the municipal plan for Reykhólahreppur with the proposed road according to route B.

A proposal for a revised route through the Teigsskógur woodland (called route P-H) went through Environmental Impact Assessment (EIA) in the years 2015-2017. Following the EIA process, the municipality decided to amend its municipal plan. In a consultation draft planning proposal presented by the municipality in the autumn of 2017, two alternative routes for the road were presented, a tunnel alternative (route D) and route P-H. The planning process is not yet concluded. The local council did decide earlier this year to choose route P-H and that a planning proposal with route P-H should be put out for formal public consultation. The local council has, however, since decided to postpone that, and has instead decided to seek independent road engineering appraisal of the two alternative routes.

A development permit can not be issued by the local authority for the road (regardless which route is chosen by the local council) until the municipal plan has been amended. The municipal plan amendment is subject to adoption by the local council and approval by the National Planning Agency, following a public consultation period.

Furthermore, it should also be added that a legislative bill has been submitted in Parliament by five members of Parliament, who represent the Northwest constituency. The Act, if passed by Parliament, would give development permit to the Icelandic Road Administration (IRA) for the road according to route Þ-H, overriding the local authority's role according to the Planning Act to issue the development permit. The bill waits its first reading in Parliament. If the bill would be passed, the aforementioned amendment of the municipal plan would still need to be adopted and approved by the local council and the National Planning Agency.

2. The status and conclusions of the Environment Impact assessments implemented in 2016-2017 for the planned road.

The planned road has undergone Environmental Impact Assessment (EIA), i.e. both with an EIA process in the years 2003-2007 and with a second EIA process 2015-2017. The final step in the EIA process is the NPA's conclusion on the effects of the project on the environment¹. The NPA's conclusion in the second EIA process was presented in March 28th 2017.

Following is a summary of the concluding chapter of the NPA's conclusion of March 28th 2017.

The NPA considers the IRA's environmental assessment report (EIR) to meet the requirements of the EIA Act and Regulations and that the environmental impacts have been adequately described. However, there are uncertainties about the impact of the crossing of the fjords on the physical aspects of the sea and the littoral, pelagic and benthic ecosystems.

In the IRA's EIR, five alternative routes were presented between Bjarkalundur and Skálanes, routes A1, D2, H1, I and Þ-H. According to the EIR, these routes all fulfill road safety standards and are thought to have significant positive effects on transportation and road safety. Route Þ-H is the IRA's preferred alternative.

The area where the road is proposed, is under various protection provisions, which apply to a varying degree to all the alternatives. Wetlands, mudflats, salt marshes along with unique and ecologically important birch woods are protected by Art. 61 of the Nature Conservation Act. Part of the area is also listed on the national registry of sites of natural interest. A number of cultural relics that are protected by the Culture Heritage Act are also affected by the project. Furthermore, eagle nesting places and Æder nests near the project site are protected by the Act on Protection, Restrictions and Hunting of Wild Birds and Wild Mammals. Also, habitats of other protected bird species and vegetation types are affected by the project. Finally, there is emphasis on the protection of landscape in the Nature Conservation Act and in the Act on the Protection of Breiðafjörður.

Having regard to the objectives of the EIA Act, to minimize as possible the negative effects of projects on the environment, and taking into consideration that all the routes presented in the EIR fulfill safety standards, the NPA is of the opinion that the route having the least negative effect on the environment should be chosen. Especially with regard to effects on ecosystems and geological formations that are protected by Art. 61 of the Nature Conservation Act, as disruption of those areas shall be avoided unless there are imperative reasons of overriding public interest. When assessing projects in those areas, the conservation objectives of the Nature Conservation Act shall be considered, as well as the conservation value of the area in Icelandic and international context and the precautionary principle.

All the routes presented in the IRA's EIR have considerable impact on the landscape. According to the Nature Conservation Act, rare and unique landscapes and landscapes of special aesthetic and/or cultural value, shall be protected. The NPA's conclusion is that routes A1, H1, I and Þ-H will have

¹ The NPA's conclusion corresponds with "the reasoned conclusion by the competent authority" according to Art. 1(2)(g)(iv) in EU Directive 2011/92/EU as amended by Directive 2014/52/EU.

significant negative impacts on the landscape due to the crossing of fjords, disruption of holistic landscapes and pristine areas and in the case of route P-H, also because of significant and irreversible visual changes on the Teigsskógur woodland.

To conclude, it is the NPA's conclusion that route D2 best fulfills the objectives of the EIA Act on minimizing as possible the negative impacts of a project on the environment. Furthermore it is the view of the NPA that there remains uncertainty about the effect of the fjords' crossing on physical aspects of the sea and its littoral and marine life, which requires further research, before decisions are taken on the project. With regard to the known impacts of the proposed project on birch woodland, wetlands, mudflats og salt marshes, species under protection, cultural relics and landscape it is the conclusion of the NPA that routes A1, I and P-H are likely to have significant adverse environmental impacts that cannot adequately be prevented or mitigated.

3. The way the cumulative impact of all existing, planned and pending roads through the Breiðafjörður Nature Reserve are considered.

The Breiðafjörður nature reserve is under the Breiðafjörður committee. The committee has not assessed, in its plan for the area, the cumulative impacts of existing, planned or pending road construction. No other plans have addressed cumulative impacts of road projects in the Breiðafjörður nature reserve. However, in the IRA's EIR for Vestfjarðavegur (Bjarkalundur-Skálanes) and in the NPA's EIA conclusion, cumulative impacts of that road project along with existing roads are addressed.

The IRA's EIR contains a chapter on cumulative impacts of their proposed project and other existing parts of the Vestfjarðavegur road along the north coast of Breiðafjörður. Uptil now, three fjords in northern Breiðafjörður have been crossed, i.e. Gilsfjörður, Kjálkafjörður and Mjóifjörður and other parts of the road have been built in the littoral environment, e.g. by Múlaklif in Kollafjörður, at the bottom of Vattarfjörður and by Hörgsnes in Vatnsfjörður. These road projects have to a varying degree disrupted the Breiðafjörður nature reserve. Furthermore, the IRA has recently started working on an EIR for a new crossing of Vatnsfjörður, the westernmost fjord on the northern coast of Breiðafjörður.

According to the IRA's EIR, the most extensive cumulative impacts are due to change of landscape where pristine areas are disrupted and secondary impacts thereof on tourism and recreation.

The IRA's EIR considers the cumulative effects of the proposed project on mudflats and salt marshes in Breiðafjörður to be minimal. The IRA states that the proposed project is not in opposition with the conservation objectives of the Nature Conservation Act for habitat types, ecosystems and species and will not impact biological diversity in the area.

In the NPA's conclusion on the EIA of Vestfjarðavegur (Bjarkalundur-Skálanes) the agency states that the IRA has not convincingly assessed impacts of existing roads on the marine flora and fauna in the fjords that have been crossed.