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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

39th meeting
Strasbourg, 3-6 December 2019

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, Iceland*

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N Á T T Ú R U F R Æ Ð I S T O F N U N Í S L A N D S

Iva Obretenova,
Secretary of the Bern Convention
Council of Europe
F-67075 Strasbourg
FRANCE

Garðabær, 06. ágúst 2019
2018010120/51-1
TB
jgo/tb

Complaint No. 2017/6: Possible negative impact on Breiðafjörður Nature Reserve's authentic birch woods from new road infrastructure (Iceland)

Dear Iva Obretenova,

With reference to your letter dated 3 June 2019 the Icelandic Institute of Natural History (IINH) hereby sends you a progress report regarding complaint No. 2017/06: **Possible negative impact on Breiðafjörður Nature Reserve's authentic birch woods from new road infrastructure** and on the Bureau's concern that lack of any progress in the setting-up of the Emerald Network in Iceland, in the past 20 years, is compromising many high value biodiversity areas such as the one of concern in the above complaint.

The Bureau instructed the Secretariat to request a new progress report to the national authorities for its second annual meeting in September 2019 on the following issues:

1. Who oversees the choice and approval of the road alternative selection and how the opinion of the main agencies and institutes of the country are considered;
2. Updated information on the status of the road construction;
3. Progress in the setting-up of the Emerald network, namely, information on planned calendar for the submission of proposed sites database.

To report on the two first issues above the IINH contacted the Icelandic National Planning Agency of Iceland which is both responsible for implementing Environmental Impact Assessment for projects in Iceland and for the administration and implementation of the Planning Act. The new road infrastructure in Breiðafjörður is now in its planning phase.

The Icelandic National Planning Agency of Iceland gave the following answers to the two first issues:

1. Who oversees the choice and approval of the road alternative selection and how the opinion of the main agencies and institutes of the country are considered;

Reply: The municipality is the licensing authority for the project and has final say in which alternative is presented in the Municipal Plan although there are stipulations in article 28 of the



Icelandic Road Act The development permit for a given project needs to be in accordance with the Municipal Plan. According to provisions in the Planning Act and Planning Regulation in Iceland the municipality shall take into consideration the opinions of the main agencies and institutes that have sent the municipality their comments. When the municipality finalises the changes to the Municipal Plan that shows the chosen road alternative it needs to support it choice with arguments with regard to the opinions in the above mentioned comments.

2. Updated information on the status of the road construction;

Reply: The construction of the road has not begun. A six week introductory period is ongoing at this time where the changes to the Municipal Plan regarding the road are presented. The municipality decided that the main alternative of the Icelandic Road Administration called Way-PH should be put forth in the municipal plan.

When the introduction period is over the municipality will send the Municipal Plan's change to the National Planning Agency for confirmation. If the National Planning Agency does not agree that the plan should be confirmed the Agency is to send the plan to the Minister for the Environment and Resources for final scrutiny and determination according to provisions in the Planning Act.

3. Progress in the setting-up of the Emerald network, namely, information on planned calendar for the submission of proposed sites database.

IINH have earlier, 6 September 2018, reported to the Bern convention on progress, achievements and challenges in the implementation of the Emerald Network Calendar since the 8th meeting of the Group of Experts in September 2017, see attached report. The proposed ecological network, on habitat types and important bird areas, as suggested by the IINH is still being processed by the Ministry for the Environment and Natural Resources. The IINH have requested the Ministry for permission to submit the proposed sites database, in SDF form, to the Bern convention as it was suggested to the Ministry. The Ministry have not at this moment taken a final decision on the matter but the request will be processed this autumn. It should be noted that the sites proposed by IINH also have to be processed according to Icelandic law, the Act on Nature Conservation. This is still in process.

Yours sincerely



Jón Gunnar Ottósson
Director general



Trausti Baldursson
Director of Ecology and Consultancy Dep.

Attacehd: Memo; Icelandic National Planning Agency dated 22 July 2019, IINH report dated 6 September 2018.





Minnisblað

Viðtakandi: Náttúrufræðistofnun Íslands

Höfundur: Jakob Gunnarsson

22. júlí 2019

Tilvísun: 201803048 / 5.0

Efni: Kvörtun frá Bernarsamningnum v. MÁU Vestfjarðarvegur

Vísast til tölvupósts frá Náttúrufræðistofnunar Íslands dags. 5. júlí sl. þar sem óskað er upplýsinga frá Skipulagsstofnun vegna ofangreinds. Að neðan eru tekin saman svör við þeim tveimur spurningum sem settar eru fram í erindi skrifstofu Bernarsamningsins frá 3. júní sl.

1. Who oversees the choice and approval of the road alternative selection and how the opinion of the main agencies and institutes of the country are considered;

Reply: The municipality is the licensing authority for the project and has final say in which alternative is presented in the Municipal Plan although there are stipulations in article 28 of the Icelandic Road Act. The development permit for a given project needs to be in accordance with the Municipal Plan. According to provisions in the Planning Act and Planning Regulation in Iceland the municipality shall take into consideration the opinions of the main agencies and institutes that have sent the municipality their comments. When the municipality finalises the changes to the Municipal Plan that shows the chosen road alternative it needs to support its choice with arguments with regard to the opinions in the above mentioned comments.

2. Updated information on the status of the road construction;

Reply: The construction of the road has not begun. A six week introductory period is on going at this time where the changes to the Municipal Plan regarding the road are presented. The municipality decided that the main alternative of the Icelandic Road Administration called Way-PH should be put forth in the municipal plan.

When the introduction period is over the municipality will send the Municipal Plan's change to the National Planning Agency for confirmation. If the National Planning Agency does not agree that the plan should be confirmed the Agency is to send the plan to the Minister for the Environment and Resources for final scrutiny and determination according to provisions in the Planning Act.

Iceland

Report on progress, achievements and challenges in the implementation of the Emerald Network Calendar since the 8th meeting of the Group of Experts in September 2017.

1. In 2010 the Icelandic Institute of Natural History (IINH) published habitat type maps of some areas in the highland of Iceland. With funding from EU, that was later withdrawn, the mapping project continued in 2012 along with mapping of important bird areas. The mapping now covered the whole country, both lowland and highland areas. In 2016 and 2017 the IINH published two reports Fjölrit 54, Vistgerðir á Íslandi / Habitat types in Iceland, and Fjölrit 55, Mikilvæg fuglasvæði / Important Bird Areas, see http://utgafa.ni.is/fjolrit/Fjolrit_54.pdf and http://utgafa.ni.is/fjolrit/Fjolrit_55.pdf .
Along with the two publications web maps showing both the habitat types as well as important bird areas were made available, see <http://vistgerdakort.ni.is/> .
2. According to the Icelandic Nature Conservation Act no 60/2013 the IINH in April 2018 proposed to the Ministry for the Environment and Natural Resources that 112 sites (including land-, freshwater- and coastal habitat types and important bird areas, also including 6 geological sites) should be protected in a network of ecologically important sites. The proposals were mainly based on the two above publications, see <http://www.ni.is/midlun/natturuminjaskra> and web map <https://natturuminjaskra.ni.is/> . The proposed sites are now being processed by the Ministry, the Consulting Committee for the Nature Conservation Register and The Environment Agency of Iceland according to the Act on Nature Conservation.
3. The above proposed sites, when processed, should also be the foundation for official nomination of candidate Emerald Network sites.
4. All data (including GIS data) for the proposed sites is available. The main challenges in implementing Emerald Network in Iceland is lack of funding and manpower to carry out the basic work needed to fulfil obligations as described e.g. by Resolution No. 8 (2012).

Trausti Baldursson, 6 September 2018.

Garðabær 29th January 2019
2018010120/51-1
TB, JGO
tb

Subject: Complaint No. 2017/06: Possible negative impact on Breiðafjörður Nature Reserve's authentic birch woods from new road infrastructure

Dear Iva Obretenova,

With reference to your e-mail/letter dated 5 October 2018 and the decision of the Bureau where it says: "The Bureau thanked the national authorities for the report submitted in relation to the recent complaint.

After a deliberation on the case, the Bureau agreed that both the authorities and complainant should submit additional information, and possibly clearer maps, on the proposed routing of the new road infrastructure, on the natural values of the area, and to inform in details on possible conflicts with currently existing protected areas in the country and possible Emerald network sites."

In the letter the Bureau asks the national authorities to submit additional information **and possibly clearer maps** on:

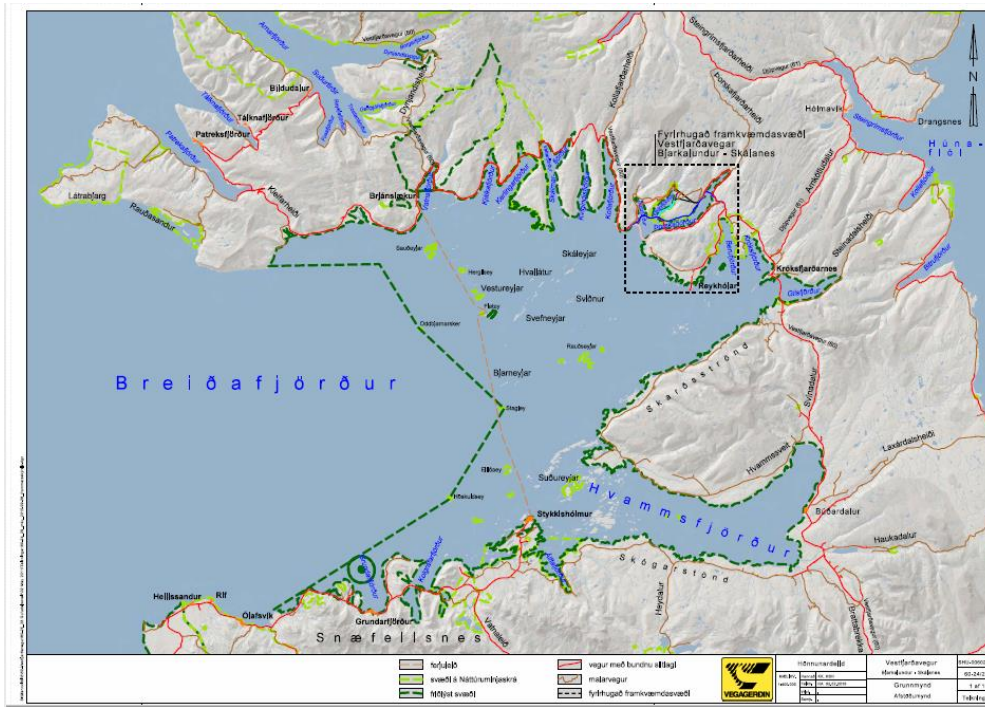
1. the proposed routing of the new road infrastructure,
2. on the natural values of the area,
3. and to inform in details on possible conflicts with currently existing protected areas in the country and possible Emerald network sites.

The Icelandic Institute of Natural History, IINH, would like to stress that the description of *The status of the planned road infrastructure and further steps in its development* was explained in the attached letter from IINH dated 25 May 2018, point 1. The newest development in this case after the EIA was finished is that the local authority has now accepted, under protest, municipal plan proposal for route P-H. The protest concerns that the Icelandic Road Administration, IRA, would not accept any other route than P-H. The local authorities may challenge the IRA's decision but at this moment further development of this case is uncertain.

The status and conclusions of the Environment Impact Assessment of the road was explained in point 2 in the letter from IINH dated 25th of May 2018. The conclusion of the National Planning Agency, NPA, was that route D2 would best fulfil the objectives of the EIA Act.

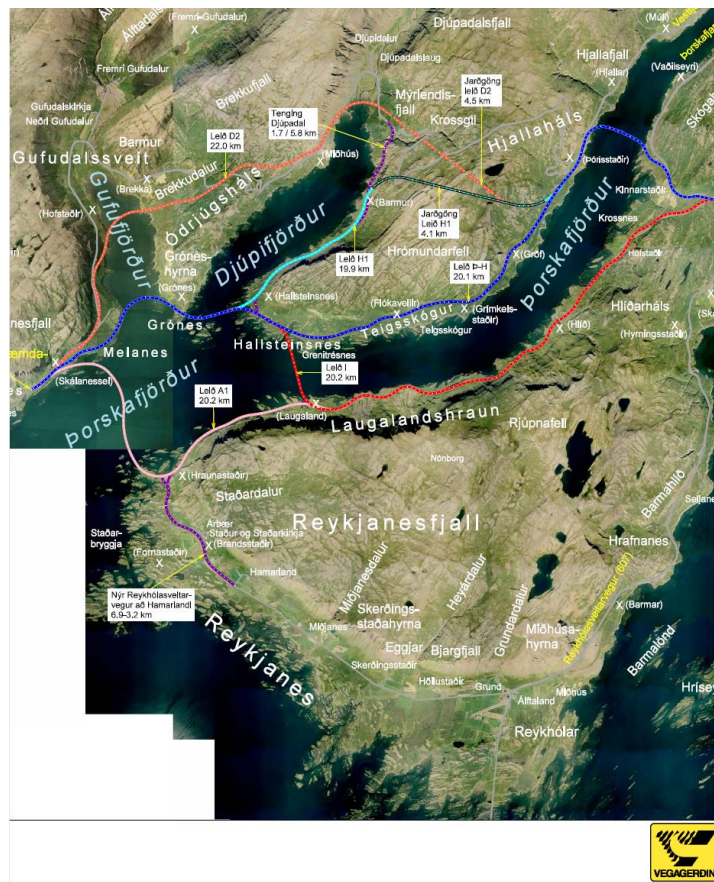


THE PROPOSED ROUTING OF THE NEW ROAD INFRASTRUCTURE:



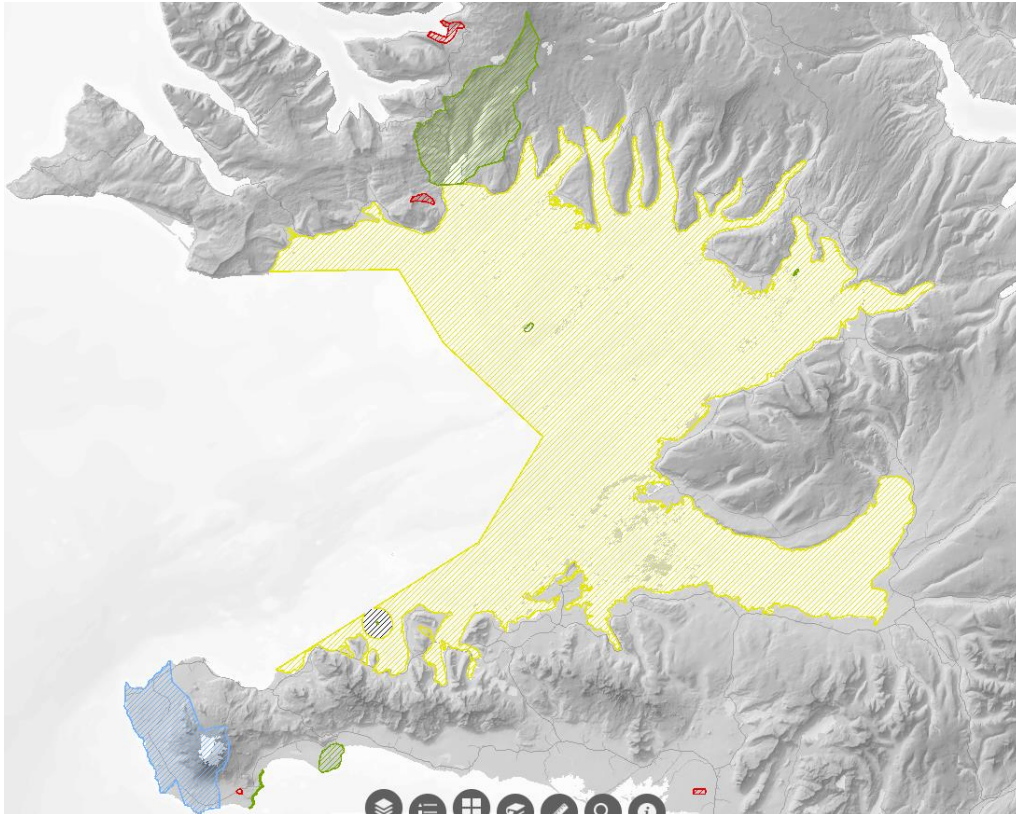
Map 1. The map is taken from the IRA's, Vegagerðin, EIA.

Map 1 shows the fjord Breiðafjörður and the protected area of Breiðafjörður, green dotted line, and the EIA area, black dotted line.



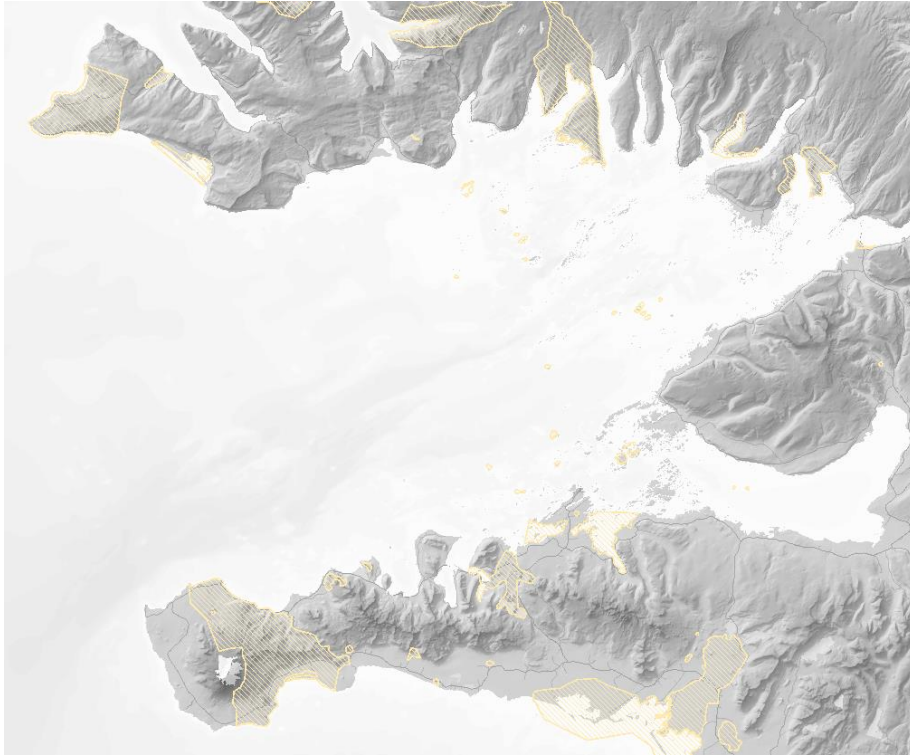
Map 2. The map is taken from the IRA's EIA report.

Map 2 shows different proposed routes of the road in the EIA. Route **P-H, blue route**, goes through Teigsskógur and crosses the fjords Djúpifjörður and Gufufjörður. After the EIA was conducted, the Reykhólahreppur municipality has in 2018 suggested to look at the route that crosses outer Þorskafjörður, near to A1 (the pink route) with one bridge, and continues via existing road by the village Reykhólar and onwards on the east coast of Reykjanes along the existing road, Reykhólasveitarvegur. This alternative was not considered by the IRA in the EIA but the location of this alternative where it crosses Þorskafjörður is near to alternative A1 and the only part of this route that requires a new road (i.e. does not use existing roads or rebuilding of existing roads) is the “violet” section and the crossing of Þorskafjörður. Route **D2** the upper red line was the route preferred by the NPA in the EIA and would have least impact on the natural values of the area.



Map 3, <https://natturuminjaskra.ni.is/>

Map 3 shows the protected area of Breiðafjörður, yellow, and other protected areas in this part of the country, blue, red and green. The protected area in Breiðafjörður consists of the islands in the fjord and the tidal zone, not the water body of the marine area. This means that all areas on the coastline that are above the tidal zone are not inside the protected area. This is the fact for Teigsskógur. Teigsskógur is registered in the Nature Conservation Register, see map 4, and will most likely be registered under Article 61 of the Nature Conservation Act No 60/2013, special protection of some ecosystems, including birch woods, and geological formations. This registration is not completed for birch woods in Iceland. Area under this Article are not strictly protected and the protection can be overruled by e.g. local authorities through municipal planning and development permits, but that requires them to show the necessity of the project and that other options are not available.



Map 4 <https://natturuminjaskra.ni.is/>

Map 4 shows some of the areas in and around Breiðafjörður that are registered in the Nature Conservation Register, see also map 5. Those areas have not the same status as protected areas.



Map 5. <https://natturuminjaskra.ni.is/>

Map 5 is a closer look at the EIA area and sites on the Nature Conservation Register.

ON THE NATURAL VALUES OF THE AREA:

In the EIA the NPA concluded among other things, see point 2 in the letter from IINH dated 25 May 2018, the following: “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 P-H will have 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 or 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.”

In the above letter there is also a discussion on cumulative impacts of road building on the whole area of Breiðafjörður where it says: “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.

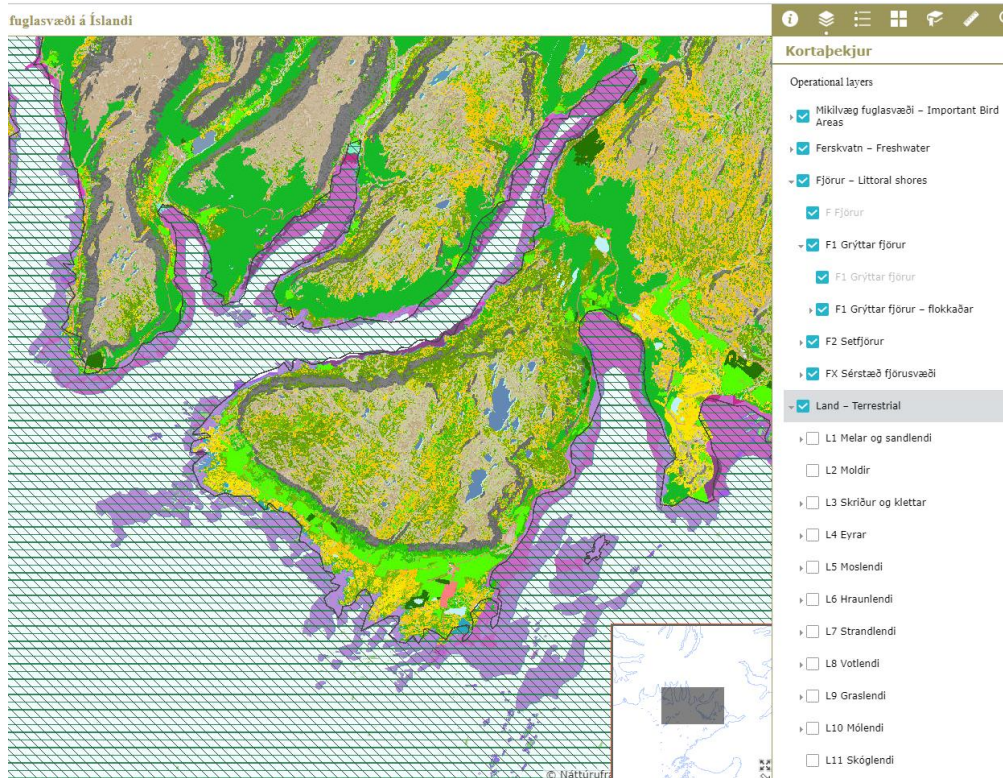
In the NPA’s conclusion on the EIA the agency states that the IRA has not convincingly assessed impacts of existing roads on the marine flora and fauna in the fjords that have been crossed.“

TO INFORM IN DETAILS ON POSSIBLE CONFLICTS WITH CURRENTLY EXISTING PROTECTED AREAS IN THE COUNTRY AND POSSIBLE EMERALD NETWORK SITES:

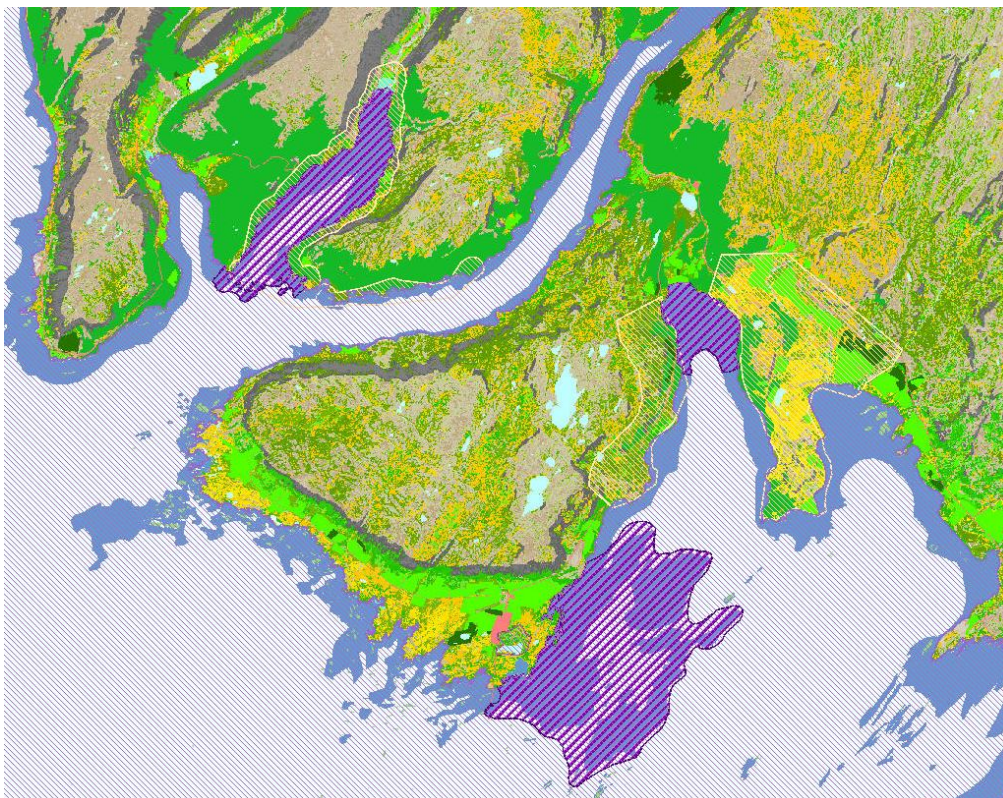
According to the Icelandic Nature Conservation Act no 60/2013 the IINH in April 2018 proposed to the Ministry for the Environment and Natural Resources that 112 sites (including land-, freshwater- and coastal habitat types and important bird areas, also including 6 geological sites) should be protected in a network of ecologically important sites, see <http://www.ni.is/midlun/naturuminjaskra> and web map <https://naturuminjaskra.ni.is/> . The proposals were mainly based on the two publications Fjölrit 54, Vistgerðir á Íslandi / Habitat types in Iceland, and Fjölrit 55, Mikilvæg fuglasvæði / Important Bird Areas, see http://utgafa.ni.is/fjolrit/Fjolrit_54.pdf and http://utgafa.ni.is/fjolrit/Fjolrit_55.pdf . The proposed sites are now being processed by the Ministry, the Consulting Committee for the Nature Conservation Register and The Environment Agency of Iceland according to the Act on Nature Conservation.

One of the proposed sites is Breiðafjörður, see here <https://ni.is/node/21572> . The reason for the proposal is the conservation value of coastal habitat types in the fjord and the whole area of Breiðafjörður is considered an important bird area for several bird species, see list of coastal habitat types and bird species at <https://ni.is/node/21572> , <https://ni.is/node/16116> .

On the IINH’s homepage a web map for habitat types can be found, <http://vistgerdakort.ni.is/> and in the web map there is a description of each habitat type. Although the main text is in Icelandic the EUNIS category of each habitat type can be found.



Map 6. Habitat type map of part of Breiðafjörður.



Map 7. Some important coastal habitat types, violet areas, in the EIA area of Breiðafjörður, <https://natturuminjaskra.ni.is/>.

The dark green land areas are birch woodland.

CONCLUSION

The IINH agrees with the NPA's conclusion in the EIA for the road Vestfjarðavegur, in this part of the Breiðafjörður area, that route D2 would have least impact on the nature conservation value of Breiðafjörður. The cumulative effects on e.g. coastal habitat types is unknown. As far as IINH knows no new research or monitoring is available for the impact of new bridges crossing fjords in Breiðafjörður or in the EIA area (the bridges there have not been built), specially taking into account the efficiency of water replacement under the bridges in context with the tidal zone and impact on coastal habitat types or ecosystems. The IRA has always claimed that there will be full water replacement in the fjords where new bridges are crossing and therefore minimal impact on coastal ecosystems in the fjords.

Breiðafjörður and its subzones or areas will most likely be suggested as tentative site(s) in Emerald Network both as coastal habitat types and important bird areas. The long term impact specially on coastal habitat types, ecosystems and birds is uncertain.

The birch woodland around Breiðafjörður is not part of the protected area but some of the birch woodland areas, including Teigsskógur, are on the Nature Conservation Register. Some birch woodlands fall under special protection according to Article 61 of the Nature Conservation Act. Which birch woodlands have this status has not been defined but most likely Teigsskógur will have this status as it is already on the Nature Conservation Register. It is the responsibility of the Icelandic Forest Service to register birch woodlands under this article.

Yours sincerely,

Trausti Baldursson
Director of Ecology and Consultancy Department