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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

42nd meeting

Strasbourg, 28 November – 2 December 2022

**Draft Recommendation on the possible negative impact of
road infrastructure developed through the Breiðafjörður
Nature Reserve and its surroundings
(Iceland)**

*Document prepared by
the Secretariat of the Bern Convention*



Convention on the Conservation
of European Wildlife and Natural Habitats

Standing Committee

Recommendation No. ... (2022) of the Standing Committee, adopted on XXXX, on the road infrastructure developed through the Breiðafjörður Nature Reserve and its surroundings (Iceland):

The Standing Committee to the Convention on the Conservation of European Wildlife and Natural Habitats, acting under the terms of Article 14 of the Convention,

Having regard to the aims of the Convention to conserve wild flora and fauna and their natural habitats;

Recalling that Article 3 of the Convention provides that each Contracting Party shall take steps to promote national policies for the conservation of the habitats of wild flora, wild fauna and natural habitats, with particular attention to endangered and vulnerable species, especially endemic ones, and endangered habitats;

Recalling that Article 4, paragraph 1 of the Convention provides that each Contracting Party shall take appropriate and necessary legislative and administrative measures to ensure the conservation of the habitats of the wild fauna species, especially those listed in Appendix II to the Convention;

Recalling that Article 4, paragraph 2 further stipulates that Contracting Parties, in their planning and development policies, shall have regard to the conservation requirements of the areas protected under the preceding paragraph, so as to avoid or minimise as far as possible any deterioration of such areas;

Recalling that Article 4, paragraph 3 further provides that the Contracting Parties undertake to give special attention to the protection of areas that are of importance for the migratory species specified in Appendices II and III and which are appropriately situated in relation to migration routes, as wintering, staging, feeding, breeding or moulting areas;

Recalling that the area is of high value for biodiversity and could qualify as an Emerald Network site under the Bern Convention, and thus referring to Recommendation No. 157 (2011, revised in 2019) on the status of candidate Emerald sites and guidelines on the criteria for their nomination, requiring national authorities to “take the necessary protection and conservation measures in order to maintain the ecological characteristics of the candidate Emerald sites” until their full inclusion in the Emerald Network;

Recalling the Icelandic national and regional legislation aiming to protect habitats and species such as the Nature Conservation Act and Breiðafjörður Conservation Act;

Considering that Breiðafjörður Nature Reserve and its surroundings host migratory waders as well as species protected under Appendix II of the Convention and a variety of flora species that are conservation priorities and which Iceland has undertaken to protect;

Aware of the foreseeable ecological impact of the road project on this natural sanctuary unique in Iceland and internationally;

Taking note of the report of the online advisory mission (document T-PVS/Files(2022)68) carried out by the independent expert on 5-6 May 2022;

Recommends to the government of Iceland to:

1. Ensure an inclusive and transparent consultation process with *all* relevant stakeholders at both local and national level regarding the route P-H project implementation (including monitoring, mitigation and compensatory plans).
2. Finalise as soon as possible the detailed plan for compensatory measures for the route P-H, in consultation with the relevant (local and national) stakeholders.
3. Update the mitigation and monitoring plan for the route P-H according to the following:
 - a. add a consultation plan that should include regular updates on monitoring results and their implications in relation to decision-making; the consultation process should ensure collection of suggestions or data from interested stakeholders and could be used as a mechanism to transfer good practices at national level (possibly supporting development of national monitoring standards);
 - b. add a detailed risk assessment and contingency plan with predefined procedures/solutions to be implemented in cases where the proposed mitigation and compensatory measures may lead to sub-optimal results;
 - c. provide a clear and transparent procedure of stopping the construction until a proper solution will be agreed upon in the case where a compensatory measure may be identified as not being effective;
 - d. include in the monitoring plan success/failure indicators/thresholds for the proposed measures and predefined procedures for how to adapt technical solutions based on the real time data provided by the monitoring results;
 - e. add as monitoring objectives the habitat fragmentation and fauna mortality in relation to terrestrial species;
 - f. consider the secondary effects on nature related with land-use changes during the development scenarios analysis once it is prepared by the Steering Group.
 - g. add a chapter on lessons learnt to facilitate the transferability of local knowledge accumulation (considering that the mitigation and monitoring plan is a first for Iceland in terms of complexity).
 - h. consider as a high priority discussing with *all* relevant stakeholders the option of extending the bridge openings in Gufufjörður, especially as the authorities showed a clear interest in implementing the best possible technical solutions.
 - i. document that the changes made to reduce the impact on specific features beyond the terms stipulated in the EIA have had no impact on other natural features.
4. Ensure that the GIS data related to the road project becomes available as soon as possible; the relevant authorities or Breiðafjörður Committee should facilitate a working group dedicated to harmonising data-collection and database structures in order to create a functional tool to support the decision-making process at the scale of the entire Breiðafjörður area.
5. Allocate sufficient resources for adaptation and implementation of adequate mitigation / compensation measures and monitoring activities related to the road project, including a side fund that should be used to respond to possible sub-optimal results of the implemented measures, should it be the case.
6. Document the overall costs being allocated to mitigation and compensatory measures for the route P-H and compare them with those of the alternative routes which prioritised avoidance such as the tunnel solution, as part of the lesson-learning process.
7. Start the development of the cumulative effect assessment as a pilot-study in the Breiðafjörður area using all relevant implemented projects and the current route P-H.

8. Support the overall conservation of the Breiðafjörður area and consider developing it as a relevant case study for Iceland (by implementing the following suggested actions that could strengthen the conservation of other parts of the Breiðafjörður area):
 - a. ensure that a Consultation Group to the Steering Group is set up as soon as possible, and that it will be inclusive and the process transparent;
 - b. within the aforementioned groups, discuss the possibility of including the Breiðafjörður area on the candidate list of Emerald Network sites (especially as the current conservation act is considered compatible with the Emerald Network requirements), considering Recommendation No. 157 (2011, revised 2019) on the status of candidate Emerald sites and guidelines on the criteria for their nomination.
 - c. strengthen the Breiðafjörður Conservation Act (1995);
 - d. implement a sound overall monitoring plan for the Breiðafjörður area;
 - e. start developing a comprehensive database as an efficient support for decision-making for the Breiðafjörður area;
 - f. develop a model-management plan for the Breiðafjörður area which should harmonise the sustainable development needs with the conservation objectives of the conservation plan requested by law.

Invites the relevant NGOs, scientific community, and civil society to:

9. Follow the above recommendations with regard to cooperation with the authorities, including by sharing data, engaging in cooperation bodies and activities, and agreeing on a detailed time plan of next steps (inspired by the proposal in the mission report).