



Regulations relating to the protection of the Bjørnøya Nature Reserve in Svalbard

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Legal basis: Adopted by Royal Decree on 16 August 2002 pursuant to the Act of 15 June 2001 no. 79 relating to the protection of the environment in Svalbard (Svalbard Environmental Protection Act), Section 12 and Section 17. Proposed by the Ministry of Environment (now the Ministry of Climate and Environment).

Amended by the regulations of 12 December 2008 no. 1345, 19 November 2010 no. 1457, 15 March 2013 no. 284, 19 December 2013 no. 1757, 3 December 2021 no. 3395.

Amended by the Regulations of 9 February 2024 no. 230 (entry into force on 1 January 2025).

Chapter I. Introductory provisions

Section 1. (*Protection*)

Bjørnøya's land areas, including the territorial waters extending seaward 12 nautical miles are protected as a nature reserve under the name Bjørnøya Nature Reserve.

Section 2. (*Boundary delimitation and scope*)

The protected area comprises:

- a) the entire island, except for a smaller land area surrounding the station to the north, and
- b) the territorial waters extending seaward 12 nautical miles.

The Nature Reserve comprises approximately 177 km² of land area and approximately 2,805 km² of marine area. The boundaries of the reserve are shown in the attached map at a scale of 1:350 000 and 1:50 000, dated December 2008 by the Ministry of Environment. The exact boundaries of the reserve shall be delineated where they cross land and coordinates for the break points shall be given.

The map shall be stored with the Governor of Svalbard, the Norwegian Environment Agency and the Ministry of Climate and Environment.

Section 3. (*Purpose*)

The purpose of the protection of the area is to preserve a virtually untouched and globally unique, isolated island, with a unique ecosystem, spectacular nature, special geology, flora and fauna, unique landforms and a multitude of cultural heritage. The protection is particularly intended to safeguard:

- a) the island as a key area for seabirds, including vulnerable species, in the Barents Sea;
- b) the island as a stopover site for migrating birds;
- c) the intricate connection between life at sea and on land;
- d) the unique ecology that develops on isolated islands; and
- e) The historical perspective represented by cultural heritage from all the major epochs in Svalbard's history.

Chapter II. Protection provisions

Section 4. (*Landscape/natural and cultural environments*)

No developments/asures may be undertaken that may affect the natural or cultural environment, such as the construction of buildings, installations and permanent structures, the placement of barracks or similar structures, the laying of pipes and cables, the extraction, filling, relocation, and storage of earth masses, levelling, dredging of the seabed or scraping of the soil surface, drainage or other forms of reclaiming, boring, blasting, or similar activities, or the extraction of minerals or oil.

The provision does not preclude the use of permitted fishing and hunting tools.

Section 5. (*Flora, fauna and fossils*)

Flora, fauna and other living organisms are protected against all forms of damage, destruction and disturbance that are not caused by permitted access and passage. Fossils or skeletal remains must not be removed or damaged.

Exempt from the first paragraph is fishing for marine fish as well as trapping of marine mammals that do not show site fidelity in Svalbard, which is regulated in accordance with regulations issued by the Ministry of Trade, Industry and Fisheries.

Marine fishing by rod or handline is permitted.

The introduction of plant and animal species, including genetically modified species or forms, is prohibited.

Section 5a. (Prohibition against unmanned aerial vehicles (drones) etc.)

The use of unmanned vehicles (drones) and other remote-controlled or autonomous unmanned devices in the air, on the ground, on and beneath the surface of the water is prohibited.

Section 6. (Cultural heritage)

Cultural heritage is protected in accordance with Chapter V of the Act relating to the protection of the environment in Svalbard.

Section 7. (Pollution)

All pollution to air, water or soil that entails or may entail harm or nuisance for the environment is prohibited, except for pollution that is caused by permitted motor traffic.

Abandoning or disposing of waste is prohibited.

Substances and objects that may harm flora and fauna, which are unsightly or that may entail a risk of pollution must not be or left behind.

Section 8. (Access and passage)

Landing of aircraft is prohibited. Aircraft shall maintain a minimum altitude of 500 metres above the reserve when weather conditions permit.

During the period 1 April to 31 August it is prohibited to fly closer than one nautical mile from known concentrations of birds and mammals. During the same period, it is prohibited to use ship sirens, fire shots or produce other loud noises within or closer than one nautical mile from a seabird colony.

The use of off-road vehicles is prohibited.

The prohibition in the third paragraph does not preclude:

- a) snowmobile traffic on frozen and snow-covered ground for the transport of supplies to the station, if the weather conditions cause a ship to have to call elsewhere on the island instead of at the station; or
- b) snowmobile traffic on frozen and snow-covered ground in connection with the transport of necessary equipment for the maintenance of communication masts and radio beacons south, southeast and east of the station.

Section 8a. (Access, passage and stays on land)

Any person accessing or staying in the protected area shall prevent the occurrence of new, permanent tracks or wear and tear to the terrain or on cultural heritage. Rocks, logs and other items used at the site shall be cleared and returned to the location where they were found.

A sufficient distance shall be maintained in relation to:

- a) fauna, in order to avoid unnecessary disturbance; and
- b) protected cultural heritage that is not in use, to ensure that such sites are not exposed to trampling or other activities resulting in a risk of damage.

Section 8b. (*Passenger limitations on ships*)

Ships that call in the marine areas of the nature reserves may not have more than 200 passengers on board.

Section 9. (*Prohibition against access and passage in special zones*)

All forms of access and passage on land and at sea are prohibited in and near the large bird colonies during the period 1 April to 31 August.

This prohibition does not preclude:

- a) access and passage at sea by boats up to 40 feet. Such boats may not exceed a speed of 5 knots less than 500 metres from the shore;
- b) access and passage in connection with the use of the area as an emergency port.

All forms of access and passage on land and on freshwater are prohibited in an area on the northeastern part of the island between the period 15 June to 31 August out of consideration for nesting birds.

The zones subject to a prohibition against access and passage are outlined on the map of the protected area.

Section 10. (*Regulation of access and passage*)

The Norwegian Environment Agency may issue regulations prohibiting or regulating any access and passage in all or parts of the Reserve if this is considered necessary in order to avoid disturbance to fauna or wear and tear of vegetation or cultural heritage.

Chapter III. Exceptions, permits and exemptions

Section 11. (*Response and monitoring*)

The provisions in Chapter II do not preclude measures carried out for inspection or management purposes or in connection with police, coast guard, rescue or ambulance operations.

Section 12. (*Special permits*)

The management authority may upon receiving an application grant permission for

- a) necessary transport of materials and persons in connection with maintenance of established buildings, facilities and installations;
- b) necessary transport of fuel and supplies to cabins and;
- c) necessary clean-up of polluted soil;
- d) the use of unmanned aerial vehicles (drones) and devices as mentioned in Section 5a for purposes other than recreational and hobby activities.

Section 13. (*Exemption from the protection provisions*)

When indicated by scientific or special reasons, such as the storage of safety and emergency equipment, and the establishment and maintenance of necessary navigation aids and control systems for petroleum production in connection with possible future exploration or operation of petroleum fields in the marine areas outside Bjørnøya, the management authority may grant exemptions from the protection provisions in Chapter II, provided it does not conflict with the purposes of the protection regulations or significantly impact the conservation values.

Chapter IV. Concluding provisions

Section 14. (*Management measures*)

The management authority or the instance so authorised by the management authority may implement management measures to promote the purpose of the protection. A plan containing more detailed guidelines for the implementation of such measures may be drawn up. The plan shall be approved by the Norwegian Environment Agency in consultation with the Norwegian Directorate for Cultural Heritage.

0 **Amended** by the Regulations of 15 March 2013 no. 284 (entry into force on 1 July 2013).

Section 15. (*The management authority*)

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

Section 16. (*Penalties*)

Any person who wilfully or negligently contravenes provisions laid down in or under these Regulations is liable to fines or to a term of imprisonment 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.

An accomplice is liable to the same penalties.

Section 17. (*Entry into force*)

These Regulations enter into force immediately.