



LOVDATA

Regulations relating to the protection of the Festningen Geotope Protected Area in Svalbard

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Ministry Ministry of Climate and Environment

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Original title Forskrift om fredning av Festningen geotopvernområde på Svalbard

Amendment Regulations incorporated in this text: This Regulation was first published on Lovdata 13 January 2025 and included all amendment regulation in force at that time, the last of which was regulation 9 February 2024 No. 230 (entry into force on 1 January 2025).

This is an unofficial translation of the Norwegian version of the Regulation and is provided for information purposes only. Legal authenticity remains with the Norwegian version as published in Norsk Lovtidend. In the event of any discrepancy, the Norwegian version shall prevail.

The translation is provided by Ministry of Climate and Environment.

Legal basis: Adopted by Royal Decree on 26 September 2003 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, Section 18, Section 21 and Section 22. Proposed by the Ministry of Environment (now the Ministry of Climate and Environment).

Section 1. *Protection*

Parts of the northwestern corner of Nordenskiöld Land in Svalbard are protected in the form of a geotope protected area under the name Festningen Geotope Protected Area.

Section 2. *Boundary delimitation and scope*

The protected area comprises an area in the northwestern corner of Nordenskiöld Land between Grønfjorden and Lewinodden and the marine areas extending 300 metres from land (the low-water line).

The Geotope Protected Area comprises approximately 14 km² of land area (including glaciers and freshwater) and approximately 3 km² of marine area and affects cadastral unit number 16.

The boundaries of the Geotope Protected Area are shown in the attached map at a scale of 1:100,000, dated September 2003 by the Ministry of Environment. Coordinates shall be given for the break points.

The protection regulations, including 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 an area with valuable geological and Quaternary geological features, including:

- *Festningsprofilen*, one of Svalbard's most recognisable and complete geological reference profiles;
- sites with elevated soil temperature and karst phenomena;
- trace fossils of prehistoric reptiles;
- the area as a location of special interest.

Section 4. Protection provisions

1. Landscape and natural environment

1.1 No activities may be undertaken that may damage the geological features, such as the construction of buildings, installations, including tank farms, and permanent installations, the installation of barracks or similar structures, laying of pipes and cables, extraction, deposit, relocation, and storage of earth masses, levelling, construction of roads, quays, landing sites, etc., dredging of the seabed or scraping of the soil surface, draining and other forms of reclaiming, boring, blasting, or similar activities, and the extraction of minerals, oil, and fossils.

1.2 The provision in Section 1.1. does not preclude:

- the use of permitted fishing and hunting tools.

2. Flora, fauna and fossils

2.1 Flora and fauna are regulated by Chapter IV of the Svalbard Environmental Protection Act and Section 4 of the Svalbard Act and related decisions.

2.2 Trace fossils of prehistoric reptiles must not be removed or damaged.

3. Cultural Heritage

3.1 Cultural heritage in the area is regulated by Chapter V of the Svalbard Environmental Protection Act and related decisions.

4. Access and passage (non-motorised and motorised)

4.1 All access and passage shall occur in such a manner that it does not harm or in any other way damage the natural environment or cultural heritage or result in unnecessary disturbance to people or fauna.

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 cultural heritage. Rocks, logs and other items used at the site shall be cleared and returned to the location where they were found. Sufficient distance shall be maintained in relation to:

- fauna, in order to avoid unnecessary disturbance; and
- 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.

4.2 Cycling is only permitted on frozen and snow-covered ground.

4.3 Erecting tents and camping activities are regulated by the Svalbard Environmental Protection Act and the regulations issued pursuant to the Act.

4.4 Off-road motor traffic on ground that is not snow-covered and on thawed ground is prohibited. Off-road motor traffic on frozen and snow-covered ground and motor traffic on river systems and at sea are regulated by the Svalbard Environmental Protection Act and the regulations issued pursuant to the Act.

4.5 Landing of aircraft is prohibited. It is prohibited to fly closer than one nautical mile from large, known concentrations of mammals and birds. This prohibition also applies to overflight of the areas above at altitudes below 300 metres and out to one nautical mile from land. The prohibition against overflight applies to the extent weather conditions permit.

4.6 Ships that call in the marine area of the Geotope Protected Area may not have more than 200 passengers on board.

- 4.7 The Norwegian Environment Agency may issue regulations prohibiting/regulating any access and passage in all or parts of the Geotope Protected Area if this is considered necessary in order to avoid wear and tear to geological formations or occurrences.
5. *Pollution*
- 5.1 All pollution to air, water or soil that causes or may cause damage or nuisance to the environment is prohibited, except for pollution that is caused by permitted motor traffic.
- 5.2 Abandoning or disposing of waste is prohibited.
- 5.3 Substances and objects that may harm the flora and fauna, which are unsightly or that may entail a risk of pollution must not be stored or abandoned.
6. 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 5. General exceptions

The provisions in Section 4 do not preclude:

- emergency response for fire, police or rescue services and inspection or supervision in accordance with the Svalbard Environmental Protection Act, Section 77 and Section 87.
- the use of unmanned vehicles (drones) and devices as mentioned in Section 4(6), for the same purposes mentioned in the previous sub-item and for use in the tasks of the management authority.

Section 6. Exemptions/permits

Within the framework of the Svalbard Environmental Protection Act, the management authority may grant permission for:

- renovation and minor extensions to buildings;
- reconstruction of buildings that have been destroyed by fire or natural disaster;
- necessary off-road motor traffic on existing tracks in connection with the transport of materials and persons for operations, maintenance and upgrading of Telenor's facilities/installations at Kapp Starostin.
- the use of unmanned vehicles (drones) and devices as mentioned in Section 4(6) for purposes other than recreational and hobby activities.

In addition to the measures mentioned in the first paragraph, the management authority may, when scientific or other special reasons so indicate, grant exemptions from the protection provisions in Section 4.

Permits or exemptions mentioned in the first and second paragraph may only be granted provided this does not conflict with the purpose of the protection regulations and will not have a significant impact on the conservation value of the area.

In an exemption/permit, the grounds for the decision shall include an account of how the management authority has assessed the impact the exemption/permit may have on the environment and the weight that has been attached to this.

Section 7. Management

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.

Section 8. *The management authority*

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

Section 9. *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 10. *Entry into force*

These Regulations enter into force immediately.