



University Christian-Albrechts of Kiel -UNI-KIEL

**SYSSELMANNEN
PÅ SVALBARD**

**THE GOVERNOR OF SVALBARD
ГУБЕРНАТОР СВАЛБАРДА**

Our date:
14.06.2021

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21/01214-2

Your date:
22.04.2021

Reply to research applications - RiS-ID 11707, RiS-ID 11688, RiS-ID 11712, RiS-ID 11722, RiS-ID 11731, RiS-ID 11737, RiS-ID 11742 - Timeless arctic 2021 archaeological expedition

The Governor refers to your application dated 22.04.2021, RiS-ID 11707, concerning your main project “*Timeless arctic 2021 archaeological expedition*” (the TA2021 Expedition). The main project includes 6 separate RiS-applications concerning the following sub-projects: RiS-ID 11707: RiS-ID 11688, RiS-ID 11712, RiS-ID 11722, RiS-ID 11731, RiS-ID 11737 and RiS-ID 11742. All 7 applications are processed in the current letter. We also refer to the appendix of RiS ID 11688: “*Archaeological Project Design: Human Impact on Historical Game Animal Abundance in Svalbard*”.

The TA2021 Expedition is described as a mobile platform for a series of separate marine, terrestrial and educational sub-projects in South-Spitsbergen and on Edgeøya. The main focus of the Expedition is archeological. The master plan is to sail with the chartered MV Ulla Rinman visiting 15 different field sites in Svalbard in the period 8th of August – 26th of August 2021. Except one of the sites (Barentsburg), all sites are within protected areas, some of them with specific traffic regulations. As we interpret the applications, most of the planned surveys and measures, including those described in RIS-11707 and RIS-11688, are desirable to perform at all field sites. The applications include surveys and activities which require permission from The Directorate for Cultural Heritage, including hand-collecting animal bones and teeth, and exposing and hand-collecting diagnostic metal artefacts.

Application and measures relevant for the regulations of Svalbard

The locations of fieldwork are as follows:



Figure 1: Field locations - Isfjorden area.



Figure 2: Field locations in South-Spitsbergen National Park



Figure 3: Field locations in South East-Svalbard nature-reserve

The projects include the following activities and measures relevant for the regulations of Svalbard (table 1). The measures written in red letters indicate requirement of permissions both from The Directorate for Cultural Heritage and from the Governor according to the Svalbard Environmental Protection Act and the Regulations relating to the relevant protected areas (2 national parks and 1 nature reserve).

Table 1: Overview of the site-specific regulations for each location in need of permission. Red letters indicate requirement of a separate permission from The Directorate for Cultural Heritage.

Location	Regulation	Activity/measures applied for
Trygghamna	Nordre Isfjorden National Park	-Access to the field sites.
Polska Stacja Polarna	Sør-Spitsbergen National Park	-Collect soil (small amounts) and water samples.
Gåshamna	Sør-Spitsbergen National Park. Traffic regulation, cf. section 5a	-Sample sediments using a handheld soil core sampler to a depth of 0,3 m and diameter approximately 5 cm.
Daudbjørnfjellet	Sør-Spitsbergen National Park.	-Measure air and water temperature and salinity of water.
Dolerittneset	Søraust-Svalbard nature reserve	-Flying drone.

	Traffic regulation, cf. section 21	<p>-Metal detecting: Expose and hand collect diagnostic metal artefacts with this methodology: Stay away from known archaeological structures and features such as the interior of huts or graves, dig only small holes, dig only in topmost layer, do not excavate, return the ground and vegetation back to how they were found, record and report if artefacts were found/removed from the ground.</p> <p>-Handle animal bones and fragments in order to measure and photograph them. All bones and fragments will be replaced carefully in their original location and orientation.</p> <p>-Hand collect selected walrus bones. The applicant propose to collect 50% or less of preferably walrus mandibles or another class of suitable bones from the proposed bone scatter, not exceeding 15 mandibles (or other class) from Dolerittneset and not exceeding 15 mandibles (or other class) in total from Trygghamna. Where only a limited number of crania area available, e.g. Kraussbukta, the applicant propose to use an electric saw to cut the mastoid process of the temporal bone of one side of the skull as opposed to taking the whole skull.</p> <p>- Hand-collecting all walrus teeth discovered at any of the bone scatters.</p> <p>-Sample the refuse heap near the ruins on the Pomor station at Dolorittneset. Bulk samples.</p>
Habenichtbukta	Søraust-Svalbard nature reserve Traffic restriction: forbidden to enter year around	
Kraussbukta	Søraust-Svalbard nature reserve	
Risetrappa	Søraust-Svalbard nature reserve	
Zieglerøya	Søraust-Svalbard nature reserve Traffic restriction: forbidden to enter year around. The ban also applies to Spekkholmen archipelago. Cf. section 18.	
Delitschøya	Søraust-Svalbard nature reserve Traffic restriction: forbidden to enter year around. The ban also applies to Spekkholmen archipelago. Cf. section 18.	
Sørkappøya (20 th -22 nd of August)	Sørkapp bird reserve	
Skjerodden (21 st -23 rd of August)	Sør-Spitsbergen National Park. Sørkapp bird reserve	
Breineset	Sør-Spitsbergen National Park.	
Camp Erna	Sør-Spitsbergen National Park.	
Barentsburg		

The application RiS-ID 11707 (main project) mention upcoming applications for sampling faeces, feathers and flora. We have not received such applications per time. Consequently, these measures are not processed here.

The Expedition will collect plastic waste along the way.



Regulations

Act relating to the protection of the environment in Svalbard of 15 June 2001 (The Svalbard Environmental Protection Act)
(All field sites)

The Act applies to the entire land area of Svalbard and its waters out to the territorial limit. Relevant sections for this project are:

Section 25: all species of flora and fauna, including their eggs, nests and lairs, are protected.

Section 37 give the Governor the authority to grant exemptions from, among other, section 25 and 29 for scientific purposes or when other special reasons so indicate.

Section 39: The following are automatically protected: a) structures and sites dating from before 1946; b) movable historical objects dating from before 1946 or earlier that come to light by chance or through investigations, excavation or in any other way.

Evidence of human graves of all kinds, including crosses and other grave markings, as well as bones and bone fragments found on or below the surface of the ground, are considered to be structures and sites and are automatically protected irrespective of their age. The same applies to skeletal remains at slaughtering sites for walruses and whales and associated with spring-guns for polar bears.

Around automatically protected structures and sites, a security zone shall extend for 100 metres in all directions from the visible or known perimeter. Movable historical objects are classified as structures and sites if they are associated with a specific locality.

Section 45: The directorate has the right to search for, excavate, examine and document automatically protected elements of the cultural heritage and may grant permission for others to carry out such measures. After the measures have been completed, such elements of the cultural heritage shall be restored to their previous condition unless otherwise determined by the directorate.

Section 46: No person may export from Svalbard protected movable historical objects that were found in or originate in Svalbard. The prohibition of the first paragraph does not apply when it has been decided in or under regulations that finds shall be permanently or temporarily stored outside Svalbard. In special cases, the directorate may issue permits for export.

Protected areas

The field work is planned within Sør-Spitsbergen National Park, within Sørøst-Svalbard nature reserve, and within Sørkapp bird reserve, where the "*Regulation relating to the national parks South-Spitsbergen, Forlandet and North West – Spitsbergen, on the nature reserves North East-Svalbard and South East-Svalbard, and on the nature reserves for birds on Svalbard*" apply.

South-Spitsbergen National Park

(Field sites Polska Stacja Polarna, Gåshamna, Camp Erna, Breineset, Skjerodden, Daudbjørnfjellet)

Section 3. The purpose of the Regulation is (among others) to preserve a virtually untouched environment in Svalbard with respect to continuous areas of wilderness, ecosystems, landscape, and



cultural heritage. The areas shall be preserved as a reference area for research and for the experience of the natural and cultural heritage. A particular purpose of South-Spitsbergen National Park is to preserve important cultural heritage, including structures and sites from catchments and from the whaling period.

Section 6: the national park is protected against all measures that can impact landscape, terrain, or disturbance of the environment, included different installations.

Section 9: plants and fossils are not to be removed, and shall be protected against damage and disturbance of every kind that is not caused by regular traffic.

Section 11d: The Governor may grant exemptions for scientific purposes as long as this is not in conflict with the purpose of the national park.

South-East Svalbard nature reserve

(Field sites Dolerittneset, Habenichtbukta, Kraussbukta, Risetrappa, Zieglerøya, Delitschøya)

Section 14. The purpose of the Regulation is among others to preserve a virtually untouched environment in Svalbard with respect to continuous areas of wilderness, ecosystems, landscape, and cultural heritage. The areas shall be preserved as a reference area for research and for the experience of the natural and cultural heritage. A particular purpose of South-East Svalbard nature reserve is to preserve important cultural heritage, including structures and sites from catchments and from the whaling period.

Section 18: Traffic-ban year-around in delimited polygons in Habenichtbukta, Zieglerøya, Delitschøya, and Spekkholmen archipelago, Haudegen and Halvmåneøya as shown in the Regulation appendix 3.

Section 21: To enter specific parts of Kapp Lee (Dolorittneset) all tour operators must prepare site specific guidelines to be approved by The Governor, c.f. polygon in the Regulation appendix 6b.

Section 22: These areas are protected against all measures that can impact landscape, terrain, or disturbance of the environment, included different installations.

Section 26: Plants and fossils are not to be removed and shall be protected against damage and disturbance of every kind that is not caused by regular traffic.

Section 28: The Governor may grant exemptions for scientific purposes as long as this is not in conflict with the purpose of the nature reserve.

Sørkapp nature reserve for birds

(Field sites Skjerodden and Sørkappøya).

Section 31: It is forbidden to enter the bird reserves from 15th of May – 15th of August.

Section 33: These areas are protected against all measures that can impact landscape, terrain, or disturbance of the environment, included different installations.



Section 34: All mammals and birds, including their eggs, nests and lairs, are protected against all kinds of damage and disturbance.

Section 37: The Governor may grant exemptions for scientific purposes as long as this is not in conflict with the purpose of the bird reserve.

Nordre Isfjorden National park

The field location “Trygghamna” is located within Nordre Isfjorden national park, where the *Regulations relating to Nordre Isfjorden national park* apply:

Section 3: The purpose of the regulation is (among others) to preserve important historical cultural structures and sites.

Section 4 nr. 3: Historical cultural structures and sites are regulated by the *The Svalbard Environmental Protection Act part V*.

Section 6: The Governor may grant exemptions for scientific purposes as long as this is not in conflict with the purpose of the protection or are in risk of having notable impact on the state of the protected nature or cultural heritage.

The Governor’s considerations

Access to the field sites

Habenichtbukta, Zieglerøya and Delitschøya are located within South-East Svalbard nature reserve. According to the Regulation section 18 there is a traffic ban for certain parts of these sites throughout the year. The prohibition also applies to the nearby Spekkholmen archipelago, The Management Plan for Nordaust-Svalbard and Søraust Svalbard nature reserves, 2015 – 2023 give guidelines for case processing as follows: “*The prohibition is general and exemptions under the regulations will generally not be granted....*”

The purpose of the Regulation is among other to protect important historical cultural structures and sites from former whale hunting period and overwintering catchment areas. The traffic ban shall prevent human impact on the structures and sites. The applicator’s aim of entering the sites is clearly scientific, but it involves collection and removal of cultural heritage elements, which is one of the purposes for the protection of the Nature Reserve.

As we consider, the application does not give a credible explanation of why the surveys must be performed at these specific sites, which is especially vulnerable. Further on, as we can see, the applicator does not assess any alternative field-sites outside Nature reserve which may provide equivalent or almost equivalent data. Exemptions can be given to carry out scientific research, if the activities do not conflict with the purpose of the nature reserves. The Governor concludes that the research activities are in conflict with the purpose of the protected areas, and therefore we decline the application for the research activities and the application for exemption from the traffic ban.

Collect soil and water samples, sample sediments, measure air and water temperature and salinity of water

The measuring equipment needed for these measures are mostly not described in the application, nor the number of samples needed. We nevertheless expect the equipment to be modest in size and the activities to be of temporary character. The amounts of sediments, soil and water will



presumably be insignificant, and will, as we consider, not impact landscape, terrain or disturbance of the environment, cf. the Regulations and the Act. We assume that all traffic in the purpose of data sampling, and the choice of specific sampling location, will be made carefully to avoid any negative impact on resident flora or fauna, cf. the Regulations and the Act section 25. The purpose of the measures is clearly scientific, and the project is due to the application part of an interdisciplinary research which contribute to data collection relevant for understanding among other archaeological issues in Arctic. On this basis, we conclude that the current activities and measures do not require any special permission from the Act or the Regulations.

Flying with drones

Flying with drones does not require a special permission from the Governor itself. In accordance with *The Svalbard Environmental Protection Act* it is, however, prohibited to disturb birds and animals. More detailed information is given in attachment 2.

Metal detecting, hand collect selected walrus bones, hand-collecting all walrus teeth, and sample the refuse heap near the ruins on the Pomor station at Dolorittneset.

Collecting and removing the current material as described (metal, walrus bones and teeth, and refuse samples) will physically impact and change the target cultural heritage elements and sites. As we consider, the application is not specific enough to give basis for assessing the level of impact for each of the field-sites. However, we consider the measures described as potentially comprehensive, both for each field-site and in total. Consequently, we conclude that there is a significant risk of negative impact for the protected elements of the cultural heritage. According to the regulations relating to the affected national parks and nature reserves the Governor can grant exemption only if the measures are i) not in conflict with the purpose of the protection or ii) do not have notable impact on the state of the protected nature or cultural heritage. Collection and removal of cultural heritage elements are in contradiction with the purpose of the protected areas and will have a notable negative impact of the state for the cultural heritage. Consequently, the Governor has no authority to grant exemptions for the current measures.

Please note that implementing these measures require permissions both from the Directorate for Cultural Heritage and from the Governor according to the Svalbard Environmental Protection Act and to the Regulations relating to protected areas (national parks and nature reserves). The Governor in Svalbard make preparatory proceedings and forward applications concerning undertakings and measures which involves interventions at cultural heritage sites to the Directorate for Cultural Heritage. In this case however, we do not forward the application to The Directorate for Cultural Heritage for processing due to the conclusions of not granting exemptions from the regulations of protected areas. To your information, you are though entitled to submit an application directly to The Directorate for Cultural Heritage.

The Governor's decision

The Governor has considered your applications and made the following decision:

The Governor does not grant exemption for access to the areas around cultural structures and sites that are automatically protected at Habenichtbukta, Zieglerøya and Delitschøya, (Zone D, the Management Plan). The decision is made under the provisions of the *Regulation relating to the national parks South-Spitsbergen, Forlandet and North West – Spitsbergen, on the*



nature reserves North East-Svalbard and South East-Svalbard, and on the nature reserves for birds on Svalbard, c.f. sections 18 and 28.

The Governor **does not grant exemption** for metal detecting, hand collect selected walrus bones or hand-collecting walrus teeth as applied for in the field-sites within South-Spitsbergen National Park, South-East Svalbard nature reserve and Nordre Isfjorden national park. Further on, the Governor **does not grant exemption** for sampling the refuse heap near the ruins on the Pomor station at Dolorittneset as applied. The current measures are all in conflict with the purpose of the *Regulation relating to the national parks South-Spitsbergen, Forlandet and North West – Spitsbergen, on the nature reserves North East-Svalbard and South East-Svalbard, and on the nature reserves for birds on Svalbard* sections 3 and 14. Thus, there is no provision to grant exemptions, cf. the Regulation sections 11 d and 28c. At Trygghamna the measures are in conflict with the purpose of the *Regulations relating to Nordre Isfjorden national park*, cf. section 3. Thus, there is no provision to grant exemptions, cf. the Regulation section 6.

General information

Attached, please find information on some general rules that apply to presence and activity in the Svalbard natural environment. As the project manager, you are responsible for ensuring that these and other regulations are complied with during any actions carried out in the field.

Please notice that traffic in *Sørkapp nature reserve* is prohibited until 15th of August. Due to your sailing plan, you will sail from Gåshamna to Daudbjørnfjellet in the period from 11th -12th of August, where you will have to bypass the nature reserve. Be aware that the reserve includes the sea areas within 300 m from the lowest sea level at the shore.

The Governor also calls attention to the duty of care in the Svalbard Environmental Protection Act § 5 first sentence, «Any person who is staying in or operates an undertaking in Svalbard shall show due consideration and exercise the caution required to avoid unnecessary damage or disturbance to the natural environment or cultural heritage.». The Governor requests particular attention regarding wildlife.

Please notice that your planned field work outside Management Area 10 requires notification to the Governor according to the regulation FOR-1991-10-18-671 on travel in Svalbard (the Tourism Regulation). The notification form is available here: [Notification of travel plans](#).

With regards to the ongoing covid-19 situation, the Governor emphasise the tour participants obligation to follow national contagion protection councils, as well as travel advice. Furthermore, we remind you that research and educational institutions have an independent responsibility for infection prevention considerations in their activities. This entails that the institution has its own plans for infection prevention, as well as a preparedness plan in the event of disease outbreaks.

Right to complain

According to Norwegian law you are entitled to complain about the present decision. Written complaints must be submitted within three weeks of receiving this letter. The complaint must be submitted to the Governor.



Regards

Kristin Heggelund
Head of Environment Protection

Ingunn Løvdal
Advisor nature management

This document is approved and expedited electronically without signature

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Miljødirektoratet
Riksantikvaren
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Attachments

Informasjon om regler ved feltarbeid_engelsk
Regulations of the use of drones on Svalbard, english