

Abstract

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This study will provide answers to the experiences municipalities have had after the Nature Conservation Act (Naturmangfoldloven, or NML) came into force. We collected quantitative data from municipalities through an online survey, in addition to qualitative data collected through personal interviews and group interviews from two oversight boards for protected areas: (1) Dovre Sunndalsfjella and (2) Center Nordland National Park Board. We also reviewed the complaints that had been decided by the Department of the Environment.

The survey

Municipalities' two most prevalent issues pertaining to the NML were safeguarding biodiversity through municipal planning processes and exemption issues relating to motorized traffic in outlying areas: 90% and 73% of Norway's 428 municipalities are involved in these two respective activities. The most important for municipalities was to facilitate the development of industry and commerce and the development of more housing. 70% of municipalities stated that they do not have environmental plans for biodiversity protection and must therefore safeguard the work of biodiversity through the general municipal planning processes. The biodiversity act are in general not considered as an major obstacle for further planning and development of areas.

Municipalities generally view the direction and supervision they receive from national authorities regarding the NML as inadequate. A majority of municipalities requested better guidance and/or supervision, particularly training and advising (76 %), and 37% requested more written material. In only 26% of municipalities did elected officials have any training regarding the NML, with 20% of municipalities claiming their elected officials had received more general training about biodiversity protection issues. Among municipalities' administrative staff, 93% received training in the NML and 79% have received training about biodiversity.

Local authorities report that they use NML in 73% of relevant cases, and consider their own expertise regarding biodiversity protection to be above average, while viewing their capacity to adhere to the NML as slightly below average. Insufficient capacity or competence can in some cases be a prioritization issue (also related to available funding) and how internal resources are allocated. For example, local authorities increasingly cooperate across municipal boundaries, or use common tools for geographically specific information relevant to case processing. Increased funding from central sources can also help to increase the capacity and expertise on biodiversity among municipalities.

Geographically specific information is considered to be very helpful, but the extant information sources did not score high regarding its reliability and level of detail. The large uncertainty may be because survey participants lacked detailed knowledge about the data, or the knowledge of what tools are available and their uses are little known.

The 96% of municipalities reported having protected areas within their municipal boundaries. Only 22% of the municipalities stated that they have assumed management responsibility for protected areas, while 78% (n = 105) of the municipalities had declined this responsibility. Of the 30 municipalities that had assumed management responsibility, it is largely municipalities themselves that fund the work: 67 % of efforts for management of protected lands receive funding from the municipality's own budget, 44% from grants from the county governor, and 27% state grants from Directorate for Natural Resources or The Ministry of the Environment.

Many elected officials and administrative staff are unsure whether local management of protected areas is a suitable form of government: with 52% of respondents reporting that they were undecided. Almost as many are uncertain that administrative reform is helping to make the biodiversity protection and management of the protected area more understandable and

accepted locally. Local authorities were also asked to consider possible future challenges in relation to work on biodiversity in municipal management. A lack of financial resources was viewed as the most challenging issue, followed by balancing between different user interests, a lack of an overview of the status of vulnerable, threatened or priority species selected habitats and biodiversity, and finally a lack of competent personnel to handle these types of cases .

Case Study

The survey identified seven key areas for further improvements for the work on biodiversity, local management of protected areas and the relationship between central and local government.

- Knowledge and skills: This is especially important for small municipalities. There are no statutory guidelines or a single system centrally on how local authorities should proceed in planning processes to ensure compliance with the NML.
- Bureaucratic landscapes: dialog experienced by members of local conversation boards (VOS) as an unnecessary bureaucracy.
- A possible shift towards regional, rather than local governance: Directors of the VOS have decision-making authority in the municipalities they do not know particularly well. Simplification of case processing often means that decisions are frequently made at the level of the county governor.
- Limited possible courses of action: Board members perceive that they to a great extent must conform to environmental policy bureaucracy that places strong constraints on which decisions can be made. This is often perceived as a too limited scope, which also may prevent good, local, and sustainable solutions.
- Inconsistency in complaints: Equal treatment between actors and issues are expected. Representatives from local industry around Dovre Mountains accused the VOS of treating the Norwegian Trekking Association (DNT) more favorably than private enterprises who seek permits for similar activities.
- Processing Procedures: For many case workers, implementing the NML is more of a purely paperwork assignment (from the survey we found that 73% of the municipalities used the NML in all relevant cases) A definite recommendation from officers is that in the internal case manager template (in each municipality) for plans and other plans set that assessments should be based on the guidelines provided in the Biodiversity Act.
- Political reluctance: From local politicians perceived it sometimes little willingness to incorporate NML in decision making, with the argument that it entails further additional work to implement NML in the process.

Appeals Procedure

The Ministry of the Environment (MD) considered appeals regarding twelve decisions made in the local conservation boards, upholding six conservation board decisions while rejecting the other six. The MD supported the VOS decisions in cases that relate primarily to matters regarding motor traffic and small scale hydropower, and overturned VOS decision in cases regarding either motorized travel or vacation property (cabin) repair. It is difficult to detect an overall and consistent balance among the Ministry's discretionary decisions that permitted motorized traffic and other outdoor activities. Three relatively similar cases (tracked vehicle travel on snow in Rondane, snowmobile travel in Reisa, and ski trail preparation in Trollheimen) all had different outcomes. Routine transport of tourists using tracked vehicles into caribou range in Rondane considered usefull or necessary and therefore not in violation of NML, despite in one of the most visited national parks with a threatened wild reindeer populations. However, a single trip on snowmobiles to transport students to grazing areas for tame reindeer in one of Norway's lesser-visited parks was considered problematic according to the regulations. Request to groom ski trails in Trollheimen were also rejected on a similar basis.

Conclusions

After implementation of the Biodiversity act, municipalities has been forced to stronger consider biodiversity than before. However, the result of decisions has not changed much, compared to

the before-situation. This is a task to follow up in the future, by evaluating the Environmental decision registry.

Today's main challenge is related to capacity for case handlers and priority of resources within municipalities. Competence building and education from central authorities are asked for from the municipality level. In many cases, the available information is too coarse-meshed or outdated in relation to what municipalities need. Around half of the municipalities have their own GIS-databases with environmental information, but updating and management of these databases is not a priority.

Local management and sustainable use can be strengthened by stakeholder involvement and dialogue related to area planning or revisions of management plans. This can be done by establishing arenas with regular meeting between management/municipalities and stakeholders

The legitimacy of local conservation boards are established by other mechanisms than for the national management levels and the municipalities. Huge expectations are connected to how local conservation boards should play on the same side as local entrepreneurs and stakeholders. Conservation board members has experienced that it can be challenging to interpret relevant criteria in a good way, for example in discussions of cases around dispensation, or reporting a crime.

To develop the latitude of local conservation boards, suggest members of the board to increase the boards influence on interpretation of the regulatory framework. Other proposals is to further develop the boards part in commerce and value creation in and in relation to protected areas. Better financial grants for the municipalities who take responsibility for nature- and landscape protection areas are also asked for.

Handling of cases after the biodiversity act, demands a certain amount of ecological competence. In some cases, the recommendation from the administrative case procedure are reviewed or reversed during the political case procedure. Then we are back at the question; who's interest should the weighted most? To take care of biodiversity and at the same time facilitate for sustainable use can be challenging.