

Rospuda fen case: Natura 2000 as protection tool against destructive investments



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Importance of Rospuda river valley

- One of few undisturbed percolation mires with specific vegetation zones and lack of important vegetation changes for years;
- 150 ha of alkaline fens – Natura 2000 habitat 7230 (second, after Biebrza mires, place with the biggest surface of small sedge-moss vegetation in Poland), 250 ha of habitat 91D0 and 23 ha of habitat 91E0, 230 ha of other wetlands vegetation;
- 4 species listed in Habitat Directive: *Liparis loeselii*, *Saxifraga hirculus*, *Hamatocaulis vernicosus*, *Cypripedium calceolus*;
- 76 protected plant and moss species, 14 species listed in polish Red Book and 33 species listed in polish Red List. The last stand of *Herminium monorchis* in Poland;
- Deep peat and gyttja layers reaching to 15 m of organic sediments;
- High and stable water level (fluctuations to 20 cm, with still wet peat profile due to undisturbed peat profile) that provide lasting of open habitats.

Conflict history

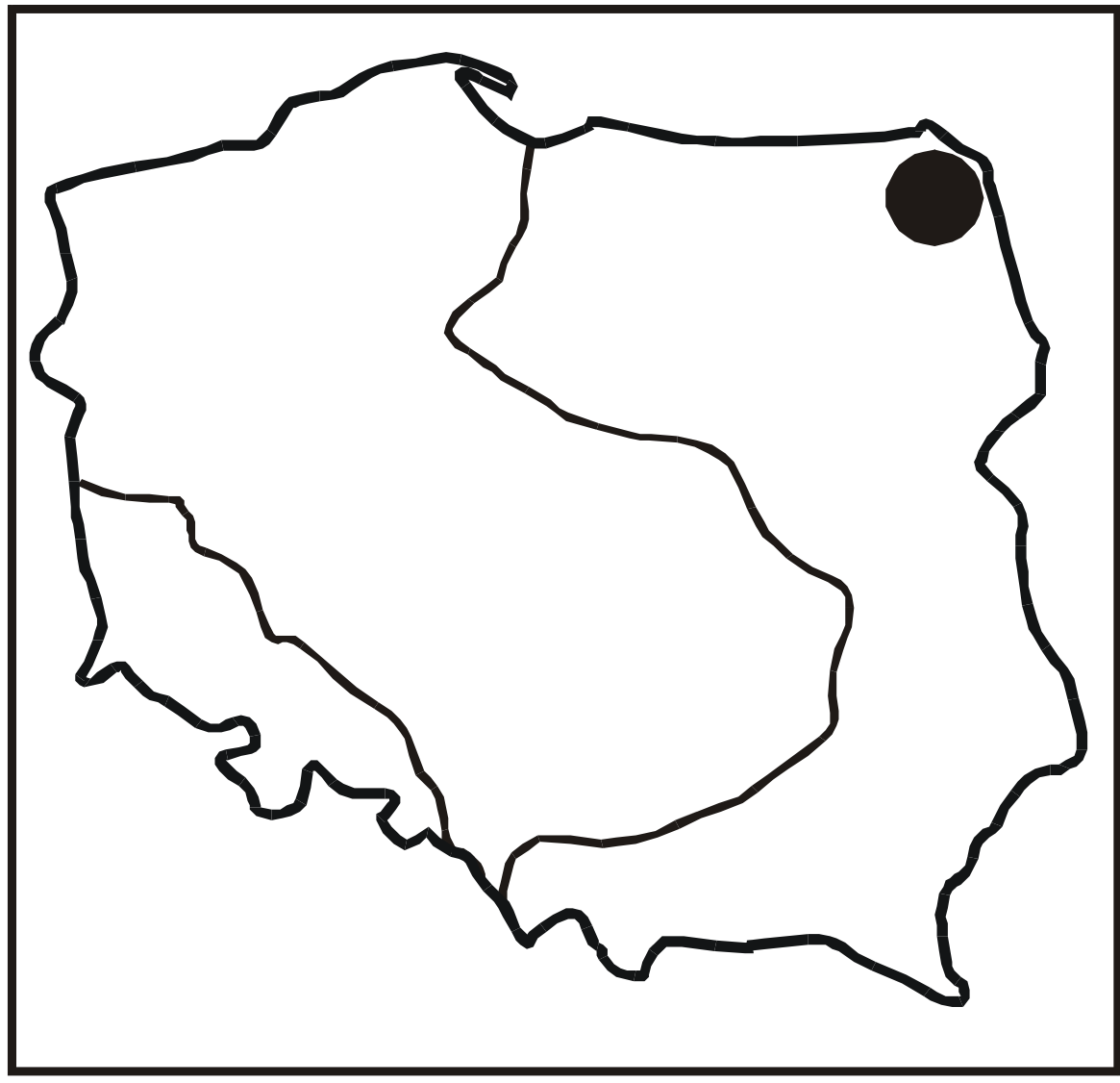
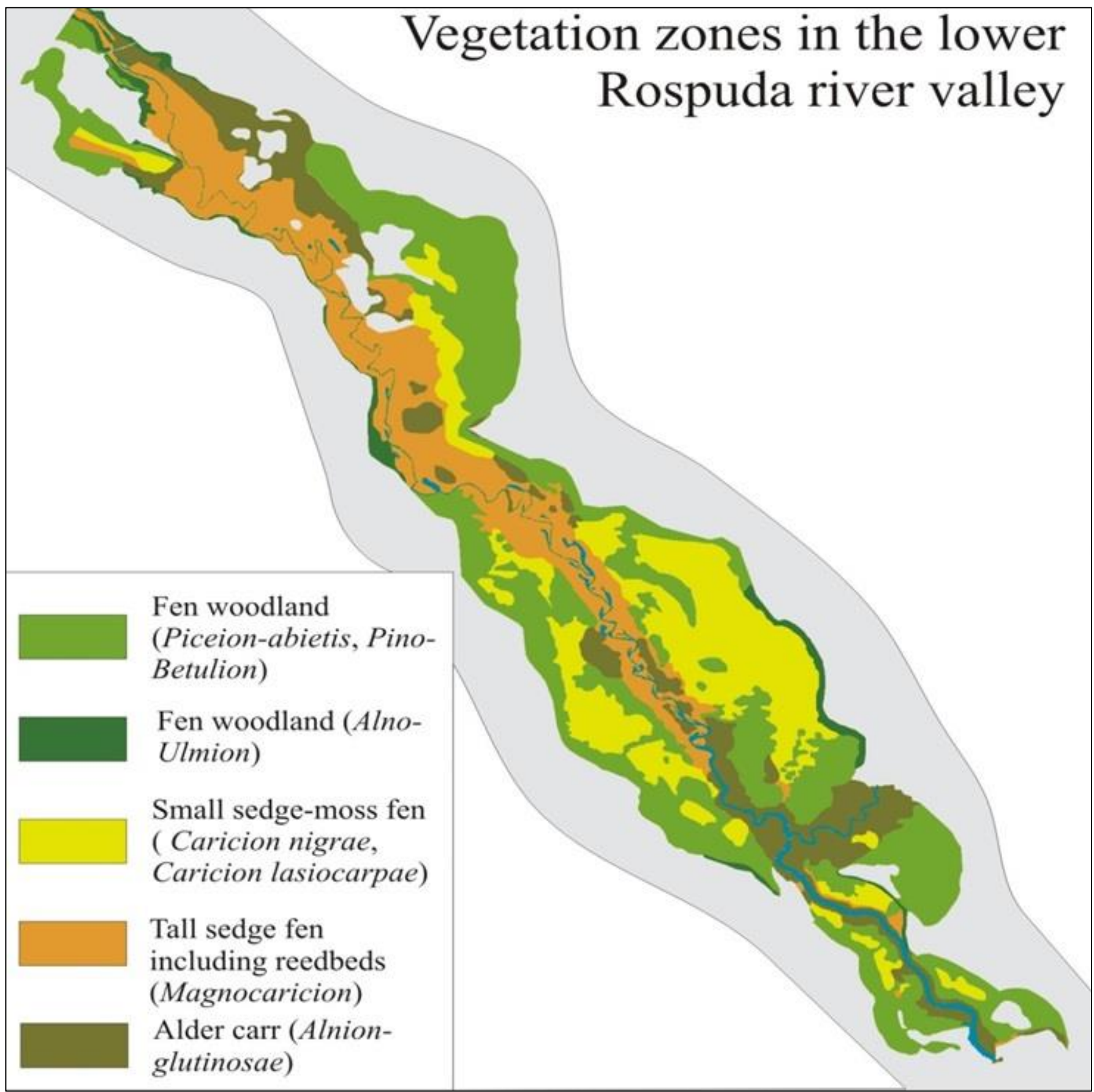
- In the second half of the ‘90 a decision to construct a new road (so called 'Via Baltica') in the I Pan-European transport corridor from Finland and Baltic countries to Poland was made;
- In the 2003 Rospuda river valley was tendered as Special Area of Conservation (Habitats Directive) – included in Natura 2000 'shadow list' till 2009;
- In the 2003 European Council dealt out the recommendations for Poland to locate the road in accordance to strategic environmental assessment;
- In the 2004 Rospuda river valley was included in Natura 2000 net as Special Protection Area (Birds Directive);
- Despite the status of Nature 2000 site Polish authorities arbitrarily decided about the location of a part of the road (Augustów bypass) with the 500 meter long bridge above the Rospuda mires:
 - Alternative variants: tunnel under the mires and road at the embankment in the same place;
 - Lack of road analyses bypassing protected habitats;
 - Environmental assessment was unreliable and didn't show real influence of the road construction on nature;
 - As part of the compensation for environmental damage, forestation of protected dry grasslands (Nature 2000 habitats) was proposed, which was not beneficial for the nature balance;
- In the 2007 the construction of the road started and European Commission brought a case before the Court of Justice of the European Union;
- In the 2008 new Polish authorities were elected and the road construction was ceased, preceded by positive sentences by Polish courts;
- In the 2010 Polish government changed the road location (outside the Nature 2000 habitats) and European Commission withdrew the complaint.

Our assessment of governmental proceedings during the conflict

- Ignoring non-governmental organizations from the beginning (voice of many national and international academic institutions and organizations involved in nature protection);
- Ignoring the voice of the citizens within the area of environment protection and presenting the case of Augustów bypass across the Rospuda mires as indispensable condition to construct the net of highways in Poland;
- Disobeying the law and acting opposite to what appears in prevention and precautionary principles – polish society was disappointed with the public administration, both citizens (protesting against the construction of the road across the Rospuda mires) and Augustów inhabitants (due to bypass construction delay);
- Generating danger to the protected area instead of eliminating it;
- Administration failure at the stage of adjudicating the conflict between two goods protected by the law: health and life of humans on the one hand and environment protection on the other.



A bird's-eye view of Rospuda river valley



Location of Rospuda river valley



Saxifraga hirculus



Fen woodland



Small sedge-moss communities



Paludella squarrosa



Handout from 2006 with some information about the conflict

Conclusions

- Road constructed outside the Rospuda mires;
- Warning for the Polish authorities not to strain the law and to carry out all the procedures honestly;
- Big civil society participation (Rospuda case changed the rules of consultation between administration and general public and contributed to build civil society);
- Development of tourism in the region (local communities benefited from the conflict, because everybody wanted to see the most famous valley in Poland);
- Still unresolved conflict with local communities contrasting human life and environment protection (in the north eastern Poland most of the society and local administration have negative attitude towards nature protection and non-governmental organizations);
- Waste of time and money (some works – planning, preparatory works, first stages of road construction and restitution to the original state, as well as compensation to the construction company who lost the contract – were carried out);
- Need of educating local society and local authorities and restoring confidence to nature and its protection; necessity of breaking bad stereotypes;
- Procedures related to carrying out investments within Natura 2000 Network could both save the nature and the public money in the future ;
- Even European directives don't work without civil society: non-governmental organizations, mass-media and hundreds of 'common' people.