

## THE TYPES OF ACTIVITIES ALLOWED OR PROHIBITED TO BE HELD WITHIN PROTECTED NATURAL AREAS IN ROMANIA

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**Abstract:** Natural protected areas, according to legal definitions provided in Gov. nr.57/2007, amended and completed by Gov. nr.154/2008 are areas of land, water and / or groundwater, perimeter and having a legally established special care and conservation, there are species of wildlife, bio-geographical elements and formations, landscape, geological, pale ontological, speleological or otherwise, with ecological value, scientific or cultural sensitivity, with a special protection and conservation, established under the provisions laws. This work aims to analyze the environmental legislation in force in Romania, harmonized by Community law to give legal permissions and limitations in terms of activities on or near a protected natural area (ANP). As we see the achievement as the work face, the law establishes general rules applicable to certain categories of protected areas, and taking into account the objective of conservation of each natural protected areas, nature and importance (national interest, international, community, county or local), compatibility of activities to be held in a NAP may be established after completion of an important process of analysis, that only after obtaining regulatory provisions provided by law. In the process of analyzing a very important role we have competent authority to protect the

environment, and managers / custodians of natural protected areas, public administration authoritative local developers adequate assessment studies and last but not the public. Under Article 22 of Ordinance nr.57/2007 with subsequent modifications in the national interest ANP management plan will define and delineate the internal areas (with strict protection, integral protection, buffer zones, areas of sustainable development activities human) each having a well defined, including the establishment of permitted activities and prohibitions development. As result no doubt that the Plan of Management and Regulation of ANP, is an extremely important legal instrument which, considering the scientific research, observations intern, can impose a set of rules and can ban a range of human activities in inside or near a NAP, all in order to ensure a favorable conservation of natural habitats has been designated. Thus, the issues addressed in this paper, we wish to emphasize the importance of preserving natural heritage in terms of flora and fauna conservation of biological diversity, the functional integrity of ecosystems, genetic heritage, vegetable and animal, and satisfying life, welfare, culture and civilization of present and future generations.

**Key words:** protected natural area, meadow utilization, forbidden activities, allowed activities

### INTRODUCTION

According to art. 22 of OUG no. 57/2007 with ulterior modifications and completions, within a protected natural area of national interest the management plan will define and will delimit internal zones (with strict protection, integral protection, buffer zones, zones with sustainable development of human activities), each of these having a well defined goal, including the establishment of allowed activities and the interdictions regarding the development.

Thus, becomes indubitable that the Management Plan and the Regulation of a PNA constitute a juridical instrument extremely important through which, tacking into account the scientific researches and the field observations, will be imposed a series of rules and could be

interdicted a series of human activities inside or in the neighborhood of a PNA, all these with the purpose to assure a favorable conservation level of the natural habitats which stay at the basis of site designation.

Therefore, by the aspects approached within this paper we wish to highlight the importance of preserving the natural patrimony under aspect of conservation of biological diversity, floristic and faunal, of functional integrity of ecosystems, conservation of the genetic patrimony, vegetal and animal, as well as satisfaction of life, welfare, culture and civilization requirements of present and future generations.

#### **MATERIAL AND METHODS**

The main material used in elaboration of the present paper was represented by the national and community legislative acts in force in the field of nature protection and ecological biodiversity. The used method was the comparative analysis of the stipulations comprised in these legislative acts in order to establish the permissiveness degree, respectively the interdiction to develop certain activities inside or in the neighborhood of a protected natural area from Romania.

#### **RESULTS AND DISCUSSIONS**

Tacking into account the conservation objective of each protected natural area, the type and the importance of PNA (national interest, community, county or local interest), the compatibility of an activity attending to be developed within a PNA could be established by covering an important analysis process, respectively only after acquirement of regulation acts stipulated by law.

It is important to emphasize that not any type of activity is allowed to be developed inside or in the neighborhood of a protected natural area, a great importance having:

- the localization of the project related to the internal zoning of the protected natural area of national interest realized through the management plan.
- the result of the adequate assessment and the establishment of the impact exerted on natural protected area of community interest, realized according to Order MMP no. 19/2010.

According to art. 22 of OUG no. 57/2007 with ulterior modifications and completions, within a PNA of national interest the management plan will define and will delimit internal zones, each having a well defined goal, including the establishment of allowed activities and the interdictions regarding the development:

##### **1. Zones with strict protection**

▪ these are the zones within protected natural areas with great scientific importance, which comprise wild zones without anthropic interventions or their level was reduced.

In these zones it is forbidden the development of any kind of human activity, excepting the research, education and ecotourism activities, with limitations described in the management plans.

##### **2. Zones with integral protection**

▪ these zone comprise the most valuable goods of the natural patrimony inside the protected natural areas.

In these zones are forbidden the following:

- any type of exploitation or utilization of the natural resources, as well as any type of land usage incompatible with de protection and/or conservation goal;
- the activities of construction-investments excepting those destined to administration of the protected natural area and/or the scientific research activities or those activities destined to assure the national security or to prevent certain natural calamities.

With the exception of upper stipulations, within the zones with integral protection, outside of the scientific reservations perimeters which have a strict protection regime can be developed the following activities:

- scientific and educative activities; activities of ecotourism which not necessitate realization of construction-investments;

- rational utilization of meadows for mowing and/or grazing only by domestic animals, property of the community members which own pastures or which own the right to use them in any form recognized by national legislation in force, on surfaces, within time periods and with species and population sizes advised by the park administration, so that not affect the natural habitats and the existing species of flora and fauna;

- localization and the operative extinction of the fires;

- interventions in order to maintain the habitats with the scope to protect certain species, groups of species or biotic communities which constitute the protection objects, basing on approbation of the central public authority for environment protection, on temporary plan of action elaborated for this purpose by the scientific council and valid until the management plan comes into force;

- interventions with the purpose of ecological reconstruction of the natural ecosystems and for rehabilitation of certain inadequate or degraded ecosystems, at administration proposal and with the approval of scientific council, basing on approbation expressed by the central public authority in the field of environmental protection;

- actions of elimination of the calamity effects, proposed by the administration of the protected natural area, with the approval of scientific council, in the base of approbation expressed by the central public authority in the field of environmental protection. In the case when the calamities affect forest surfaces, the actions for eliminating their effects will be proposed by the administration of the protected natural area, with the approval of scientific council, basing on approbation expressed by the central public authority in the field of forestry;

- actions to prevent the mass reproduction of forestry pests which not necessitate tree extractions and actions for their monitoring; actions in order to control the mass reproduction of forestry pests which necessitate to evacuate the wooden material out of the forest in the case when appear hotbeds of spreading, proposed by the administration of the protected natural area, with the approval of scientific council, in the base of approbation expressed by the central public authority responsible for forestry.

**3. Buffer-zones**, in the national parks, named zones of sustainable conservation and in the natural parks named zones of sustainable management; these are not included in the category of zones with integral, strict protection or zones for sustainable development of human activities, and these represent the transition between zones of integral protection and zones of sustainable development.

Within the zones with sustainable development (National Parks) can be developed the following activities:

- scientific and educative activities; activities of ecotourism which not necessitate realization of construction-investments;

- rational utilization of meadows for mowing and/or grazing on surfaces, within time periods and with species and population sizes advised by the park administration, so that not affect the natural habitats and the existing species of flora and fauna;

- localization and the operative extinction of the fires;

- interventions in order to maintain the habitats with the scope to protect certain species, groups of species or biotic communities which constitute the protection objects, basing on approbation of the central public authority for environment protection, on temporary plan of

action elaborated for this purpose by the scientific council of the park and valid until the management plan comes into force;

- interventions with the purpose of ecological reconstruction of the natural ecosystems and for rehabilitation of certain inadequate or degraded ecosystems, at the proposal of scientific council of the protected natural area, in the base of approbation expressed by the central public authority in the field of environmental protection;

- actions of elimination of the calamity effects, with the accord of the administration of the protected natural area, emitted in the base of approbation expressed by the central public authority in the field of environmental protection. In the case when the calamities affect forest surfaces, the actions to eliminate their effects will be proposed by the administration of the protected natural area, in the base of approbation expressed by the central public authority responsible for forestry;

- activities of forest protection, actions to prevent the mass reproduction of forestry pests, which necessitate the evacuation of the wooden material out of forest in quantities that exceed the stipulations of forest planning, these activities are made with the accord of the administration of the protected natural area, emitted by the approval of the central public authority responsible for forestry;

- traditional activities of usage of certain renewable resources, within the limits of the reproductive and support capacity of the ecosystems, using low-impact technologies as well as the ingathering of forest fruits, mushrooms and medicinal plants, respecting the regulations in force. These can be developed only by natural persons or legal entities which own/manage lands inside the park or by local communities with the approval of the administration of protected natural area;

In the areas of sustainable development (Natural Parks) can be exerted the following activities:

- scientific and educative activities; activities of ecotourism which not necessitate realization of construction-investments;

- rational utilization of meadows for mowing and/or grazing only by domestic animals, by the owners which own pastures or which own the right to use them in any form recognized by national legislation in force, on surfaces, within time periods and with species and population sizes advised by the park administration, so that not affect the natural habitats and the existing species of flora and fauna;

- localization and the operative extinction of the fires;

- interventions in order to maintain the habitats with the scope to protect certain species, groups of species or biotic communities which constitute the protection objects, with the approbation of the temporary plan of action by the central public authority for environment protection, plan elaborated for this purpose by the scientific council of the park and valid until the management plan comes into force;

- interventions with the purpose of ecological reconstruction of the natural ecosystems and for rehabilitation of certain inadequate or degraded ecosystems, at the proposal of scientific council of the protected natural area, in the base of approbation expressed by the central public authority in the field of environmental protection;

- actions of elimination of the calamity effects, with the accord of the administration of the protected natural area, emitted in the base of approbation expressed by the central public authority in the field of environmental protection. In the case when the calamities affect forest surfaces, the actions for eliminating their effects will be proposed by the administration of the protected natural area, in the base of approbation expressed by the central public authority responsible for forestry;

- activities of forest protection, actions to prevent the mass reproduction of forestry pests, which necessitate the evacuation of the wooden material out of forest in quantities that exceed the stipulations of forest planning, these activities are made with the accord of the administration of the protected natural area, emitted by the approval of the central public authority responsible for forestry;

- traditional activities of usage of certain renewable resources, within the limits of the reproductive and support capacity of the ecosystems, using low-impact technologies as well as the ingathering of forest fruits, mushrooms and medicinal plants, respecting the regulations in force. These can be developed only by natural persons or legal entities which own/manage lands inside the park or by local communities with the approval of the administration of protected natural area;

- traditional activities of agricultural land cultivation and animal breeding, as well as other traditional activities made by the local communities; care workings and works of brush directing and conservation works;

- application of forestry treatments which promote the brush regeneration on natural way: cutting treatments for garden conversion, treatment of classic progressive cuttings or in massif border, treatment of classic successive cuttings or in massif border, cutting treatments in groves/stands, in acacia groves, in poplar groves, and in riverside coppices of poplar and willow. In the case of Euro-American poplar brush, can be applied treatments of clear-cutting in small cutting areas, and in the case of spruce fir brush the clear-cutting will be made on plots by maximum 1 ha.

- hunting activities;

- sportive fishing activities;

#### **4. Zones of sustainable development of human activities**

These are zones which allow activities of investments/development, a priori of tourist interest, but respecting the principle of sustainable usage of natural resources and prevention of any type of significant negative effect on biodiversity.

Within areas of sustainable development can be exerted the following activities, according to stipulations comprised in the management plans:

- hunting activities within the areas of sustainable development of the natural parks;

- traditional activities of agricultural land cultivation and animal breeding;

- sportive and industrial fishing activities and pisciculture/fish breeding;

- exploitation activities of the non-renewable mineral resources, if this possibility is stipulated in the management plan of the park and if it represents a traditional activity;

- care workings and works of brush directing and works of conservation;

- application of forestry treatments which promote the brush regeneration on natural way: cutting treatments for garden conversion, treatment of classic progressive cuttings or in massif border, treatment of classic successive cuttings or in massif border, cutting treatments in groves/stands, in acacia groves, and in riverside coppices of poplar and willow. Within the areas of sustainable development from the national parks can be applied the treatment of clear-cutting in the spruce fir brush, on plots by maximum 1 ha, as well as the treatment of clear-cutting in small cutting areas in the Euro-American poplar brush. Within the areas of sustainable development from the natural parks can be applied the treatment of clear-cutting in small cutting areas in the case of spruce fir brush made on plots by maximum 1 ha and for the Euro-American poplar brush.

- activities specific to the ecological production, land cultivation and animal breeding, according to specific legislation from the system of ecological agriculture;

- other traditional activities made by the local communities.

The development of an activity inside or in the neighborhood of a PNA of community interest (PNACI)

According to art. 28 of OUG no. 57/2007 (m.c), within the perimeters of the protected natural areas of community interest there are forbidden the activities which can generate pollution or deterioration of habitats, as well as species perturbations which stay at the basis of protected area establishment, when these activities have a significant effect, taking into account the protection and conservation objectives of species and habitats.

Any type of plan or project which has not direct connection or is not necessary for the management of the protected natural area of community interest, but which could significantly affect the area, alone or in combination with other plans and projects, will be adequate evaluated under aspect of potential effects on the protected natural area of community interest, taking into account its conservation objectives.

The adequate evaluation (AE) is realized according to Methodological Guide regarding the adequate evaluation of the potential effects manifested by the plans and management projects on the protected natural areas of community interest, approved by the Order MMP no. 19/2010, this constituting an integrant part of the environmental assessment (EA) or environmental impact assessment (EIA), in the case of plans and projects for which the environmental authority, within the emission procedure of the regulation act, decided that they must be environmentally assessed or evaluated under environmental impact.

As a consequence of the adequate evaluation, the competent authority in the field of environment will emit the environmental accord, the environmental approval or the approval Natura 2000, after case, only if the project or the plan will not negatively affect the integrity of the protected natural area and after consultation of the public, according to specific field legislation.

**Exceptions:**

In the case when the adequate evaluation will point out significant negative effects on protected natural area and, in the absence of alternative solutions, the plan or the project must be however implemented because of imperative grounds of major public interest, including social or economic reasons, the competent authority in the field of environment will emit the environmental accord, the environmental approval or the approval Natura 2000, after case, only after the compensatory measures necessary to protect the global coherence of the Network Natura 2000 were established, the central public authority for environmental protection being obligated to inform the European Commission on the adopted compensatory measures.

According to art. 28(9) of OUG no. 57/2007 (m.c), in the case when the sites included within the Network «Natura 2000», identified in conformity to the legislation in force, protect a certain type of priority natural habitat and/or a priority species, the singular reasons which could be appealed in order to emit the environmental accord, the environmental approval or the approval Natura 2000, after case, are those referring to:

- a) public health or security;
- b) reasons with major environmental importance;
- c) other imperative reasons of public major interest on which the point of view of the European Commission had been obtained.

the European Commission had been obtained.

Within the emission procedure of the regulation acts for plans, projects and/or activities which could significantly affect the protected natural areas of community interest, the competent authorities for environment protection require and take into account the notices of the managers, respectively of the custodians of protected areas (will be applied only once, with coming into force of the assessment methodology of the environmental impact).

### **CONCLUSIONS**

Elaboration of the Management Plan and of the Regulation of a Protection Natural Area is a legal obligation established to be the task of their managers, and the compliance with these stipulated measures is obligatory for the managers of PNAs, as well as for the natural persons or legal entities which own or manage lands or other goods and/or which develop activities within the perimeter or in the neighborhood of a protected natural area.

The Management Plan of a PNA is elaborated so that taking into account the economic, social and cultural requirements, as well as the regional and local particularities of the zone, paying priority to the objectives which led to constitution of the protected natural area.

In the case of superposing of a PNA of community interest over protected natural areas of national interest, their management will be included in the management plan of those protected natural areas, respecting the most restrictive protection function.

From all reasons upper mentioned becomes that, depending on internal zoning of a PNA, some activities are expressly allowed or forbidden by law, but for the largest part of the proposed activities attending to be developed inside or in the neighborhood of a PNA must be established how compatible they are or are not with the conservation status of the area, basing on stipulations of the management plan, of the regulation of the protected natural area and not in the last time with the emission procedure of regulation act by the competent authority in the field of environmental protection, according to law.

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