

THE ENGAGEMENT OF COMMUNE SELF-GOVERNMENTS IN THE FUNCTIONING OF LEGAL FORMS OF ENVIRONMENTAL PROTECTION BY THE EXAMPLE OF SELECTED COMMUNES IN THE LUBELSKIE VOIVODSHIP

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Abstract: The aim of this paper is to evaluate the engagement of self-governments in Polish communes in the creation of and support for functioning of legal forms of environmental protection. Its empirical part contains the presentation of the results of a questionnaire survey carried out on a group of 52 commune heads managing communes within the territory of the Lubelskie Voivodship situated in the south-eastern part of Poland. The conclusions drawn on the basis of said results make it possible to identify selected problems associated with the engagement of local communities in this essential, in terms of protection of natural values, field of activities and to supplement the relatively small, as far, number of previously published studies devoted to this issue. From the conducted analysis, it appears, among others, that very few protected objects have been launched by commune authorities in the period of last ten years. Additionally, attention has been paid to some unfavourable phenomena contributing to this situation and particularly to the insufficient level of financing of protection forms, unsatisfactory level of knowledge possessed by the staff of officials, generally insufficient identification of the potential of the natural environment resulting from long overdue or lacking stocktaking or from frequent omissions in the scope of the assessments of projects with an impact on the environment.

Keywords: nature protection, commune, self-government.

1. Introduction

Currently, environmental protection is urgently needed in the face of the threat of loss of valuable ecosystems. In the opinion of E. Symonides, it is “a complex of necessary actions taken in order to eliminate or to reduce dangers leading to impoverishment of biodiversity, i.e. genetic, species and ecosystem (landscape) diversity, as well as the impoverishment or devastation of the components and resources of inanimate nature and to the restoration of lost natural values” (Symonides, 2010, p. 393). Various actions are taken in order to perform this

task, and views are also changing for those who should become active in the field of saving our natural resources. In times of highly centralised power, the responsibility in this scope was mainly carried out by government institutions provided with key competences. However, along with the development of self-management, the situation in this regard is changing, and more and more rights, until recently reserved for central agencies, are gradually handed over to self-governments.

One of the methods applied in the scope of nature protection consists in the imposition of limitations in the use of some of the valuable natural areas and objects and in the legal protection thereof. The Environment Protection Act of 16th April 2004 specifies and defines ten forms of such protection: national park, nature reserve, landscape park, protected landscape area, Natura 2000 area, nature monument, documentation site, ecological site, nature and landscape complex, as well as species protection for plants animals and mushrooms (Act, 2004). Some of these have their own management (parks), others are supervised by government and self-government authorities. Pursuant to Article 44 of the act mentioned above, the local self-governments are authorised to establish or to cancel four from among these forms (nature monument, documentation site, ecological site, nature and landscape complex) through a resolution adopted by the commune council (Act, 2004). Furthermore, the local authorities are provided with other instruments included in a complete range of nature protection management tools. This range encompasses the following instruments: legal regulations, nature protection programmes and plans, orders and prohibitions, economic instruments and social impact instruments (Poskrobko, B., and Poskrobko, T., 2012), which can be used for the performance of tasks within the framework of so-called active protection in the form of direct organisational engagement or through ensured financing. They also provide the possibility to affect the condition of protected areas and objects through administrative and planning decisions which are made every day. The mentioned actions taken by commune authorities in the interest of size and correct functioning of protected natural values are the subject matter of this study. Its further part contains a discussion on the research carried out on a group of 52 communes situated within the territory of the Lubelskie Voivodship.

2. Literature

The impact of the activity of local self-governments on the functioning of the forms of nature protection is very slowly becoming the subject of interest for scientists worldwide. Polish publications in this scope are often associated with the statutory competences of local authorities, which are rather diversified and have been determined in a relatively large number of often amended legal acts. However, far fewer studies and analyses were associated with the use by commune authorities of their rights in the scope of protection of local natural resources

through the impact on the condition of the network of protected areas and objects. The results of one from among such studies have been presented in the publication of A. Wolańska-Kamińska and N. Ratajczyk. The study encompassed 133 communes in the Łódzkie Voivodship, and its aim was the assessment of the activity of those communes associated with the creation of forms of nature protection. In the course of the analysis, it has been found that, from among all the local forms of nature protection (nature monuments, documentation sites, ecological sites, nature and landscape complexes) existing in the examined area, only 8% of them have been established by local self-governments, and the other 92% have been established through regulations issued by voivodes or other legal acts on the government level (Wolańska-Kamińska, and Ratajczyk, 2014). The subject matter of another study published by L. Dawid and K. Deska encompassed the objects in the form of ecological sites situated within the territory of the Koszalin Poviát and Koszalin City. In the conclusions, it has been stated that the use of such form of protection is marginalised in five of eight communes in the Koszalin Poviát and that, despite a large number of potential ecological sites in the years 2010-2013, no such objects have been created there. Furthermore, the authors paid attention to a phenomenon consisting in the revision of previous valorisations and plans by the communes which resulted in the limitation of the number and surface area of ecological sites and which was dictated by the social, legal and economic consequences of their establishment (Dawid, and Deska, 2014). The subject of the functioning of local forms of nature conservation, including the instruments of managing them, was taken from the work of R. Giedych, where the author focused on forms situated in five major cities of Poland, i.e. Warsaw, Kraków, Łódź, Wrocław and Poznań. In the text, among others, attention is drawn to the fact that the goals of protecting these forms are often not well defined. Additionally, for some areas and objects, there are no recorded arrangements for their active protection. The problem is also not taking into account protected areas in local land use plans (Giedych, 2017). In research carried out by D. Guzal-Dec on a group of 30 heads of communes in the Lubelskie Voivodship, respondents believed that municipalities whose area was protected in whole or in part should receive additional financial support. Among the forms of expected support, officials most often indicated funds for infrastructure development and compensation for nature protection, less often – funds for the implementation of forms of local partnership such as local action groups (Guzal-Dec, 2015).

Some studies describing the forms of protection show the problem of the effects which may occur as a result of wider decision-making powers granted to local authorities in issues associated with the functioning of protected areas. This subject has been discussed by K. Niedziałkowski, J. Paavola and B. Jędrzejewska using the example of Białowiecki National Park (BPN). Among others, the authors state that on the basis of the phenomena occurring in BPN, it may be found that increasing the participation of local communities in the decision-making process will not absolutely lead to more effective protection of biodiversity and that, after Poland's accession to the European Union, the maintenance of a social and economic

status quo was preferred by local governments over an increase in the protection level of BPN (Niedziałkowski et al., 2012).

From point of view of the present study, essential content has been included in the report of the Supreme Chamber of Control (NIK), entitled “Local forms of nature protection”, which was prepared after an inspection carried out in a selected group of communes in the year 2017. For example, it has been stated therein that in the inspected entities, more than 70% of forms of local protection were functioning on the basis of legal acts issued by bodies other than the commune council which did not meet applicable requirements and contained invalid data. Nevertheless, in 90% of the communes, no actions were taken in order to adopt the resolutions adapting these acts to the existing legal and factual status. In another part of the report, we can also read that in almost all communes, regardless of assignment of persons or functions in offices acting within the scope of issues of forms of protection, no principles, standards or procedures had been established within the scope of protection of valuable natural objects and that periodical reviews of their condition were not carried out (NIK, 2018). This problem is recognised by central authorities, which is reflected in the provisions contained in the key document for environmental protection in Poland - “Polityka Ekologiczna Państwa 2030”. It states that there is general decline in the natural value of the country and that there is a need to take action towards better inventorying of habitat and species resources, among others, to improve the quality of planning tools at a local level (PEP, 2019).

A certain number of studies is associated, in a more direct manner, with one form of protection, i.e. with Natura 2000 areas. Their authors concentrate mainly on the approach of local authorities to areas of the European Ecological Network and the impact of their presence on commune development. For instance, A. Bołtromiuk and M. Zagórski inform about the negative attitudes of a majority of the 231 heads of the communes encompassed by their study towards the consideration of remarks by local self-governments in the phase of Natura areas establishment and inform that, in the opinion of a significant part of the officials, the presence of such areas is a factor negatively affecting development opportunities (Bołtromiuk, and Zagórski, 2011). Similar issue associated with self-governments’ perception of the introduction of European Ecological Network elements was addressed in another study published in the year 2010. In this case, the results of research carried out on the group of commune heads and mayors from 33 communes situated within the territory of the so-called Green Lungs of Poland (north-eastern part of Poland) were less unambiguous in the scope of perception of a new solution. However, among others, attention has been paid to the fact that a significant part of self-governments were engaged at that time in information activities associated with network functioning (Mickiewicz and Gotkiewicz, 2010). The issue of local government opinion on the areas of the European Network was raised in a publication discussing the results of analyses carried out in four Polish communes with high natural values, i.e. Jabłonka, Lipnica Wielka (Orawa Region), Cisna and Komańcza (Bieszczady Mountains). The study of the Institute of Nature Conservation of the Polish Academy of Sciences in Kraków showed that representatives

of these municipalities were seeing some threats related to the introduction of the Natura 2000 Programme, especially those concerning restrictions on various types of economic development (tourism, enterprise) and those referring to structural development (roads). A possible occurrence of conflicts associated with existing development plans was also mentioned (Grodzińska-Jurczak, and Cent, 2011). Finally, we mention the study published by E. Tarchalska concerning consultations carried out with officials in nine communes situated within the “Ostoja Nadbużańska” Special Area of Habitat Protection. The purpose was to investigate the manner of consideration of Natura 2000 areas in spatial planning in the first years of implementation of the network. The researchers implementing the project in 2005-2007 were, among others, able to observe a significant increase of Natura 2000 network acceptance by the officials and the better knowledge of procedures related to spatial planning. (Tarchalska, 2008).

The problem of the impact of self-governments on the functioning of protected areas is, of course, also seen outside of Poland. An example of this is the work of E. Falseth and S. Hovik, in which the object of interest is not the issue of creating new forms of protection, but the administration of existing protected areas by local governments. On the basis of research concerning the scope of methods of administration by self-governments within the territory of two large protected areas in Norway, the authors demonstrated the weakness of local institutions in the field of protection policy. It has been found that, in this case, self-government officials used their political pressure mainly for the achievement of local economic and political goals, but not for implementation of protection principles. Such a situation was also the reason for social conflicts (Falseth, and Hovik, 2009). A study by the Swedish Environmental Protection Agency concerned matters relevant to the quality of management of protected areas at a local level. It stated that many developing countries have launched programmes to decentralise the management of natural resources, but these programs did not bring satisfactory results, among others due to the lack of adequate financing and training for office staff (SEPA, 2012). In an article by S. Wild River, we can read about environmental management problems that local governments have in Australian conditions. The author analyses local environmental expenditures, but also raises other important questions, e.g. the limited capabilities of self-governments in the scope of protection of natural values in the face of pressure by private investors (Wild River, 2006).

3. Subject matter, aim and methodology of the study

The aim of the study, carried out in the second half of the year 2018, was to determine the extent of use of the existing opportunities associated with the creation of new legally protected objects and areas by commune self-governments in order to ensure a proper condition of local

natural resources, as well as to state whether they support the functioning thereof. Another aim was the attempt to identify some circumstances essential for this type of activity.

A method consisting of source data analysis and a diagnostics poll was applied. In order to determine the number of decisions made by local self-governments and which were associated with the establishment of new legal forms of nature protection, the author used data from the Central Register of Nature Conservation Forms kept by the General Directorate of Nature Protection (GDOŚ, 2019). The period from the year 1991, i.e. from the effective date of the first Nature Protection Act up to the present, was assumed as the period of activity of local authorities. The applied questionnaire contained 34 closed questions. A part of the questions was directly associated with forms of nature protection, and the remaining questions were focused on activities of self-governments in the scope of widely understood protection of local natural resources, as well as their exploitation and financing. The questions were addressed to the heads of communes, who were managing the works carried out by selected communes.

The survey covered 52 communes situated within the territory of the Lubelskie Voivodship. Natura 2000 areas are located in part of the communes (29), and in 7 communes there are no legally protected areas other than Natura 2000 areas (both types of protected areas are not present in 3 communes). In 17 communes, there are less than 10% of legally protected areas not included in the European Ecological Network. However, in 36 communes covered by the study (i.e. more than 2/3 of the sample size), this percentage is lower in comparison with the national average, which is equal to 32.6% (GUS, 2019).

4. Discussion of the results of the study

On the basis of GDOŚ data, it has been found that the total number of new legal protection forms, i.e. protected areas and objects established by the authorities of 52 communes covered by the present analysis (namely, communes councils) from the year 1991, is equal to 68. More than a half of them, i.e. 37, have been established in the form of nature monuments. However, most (21) have been created within the borders of 1 commune only. 41 self-governments never adopted any proper resolution, and the other units made their decisions on this matter very rarely. Moreover, it should be mentioned that, as in the case of the surface of protected areas, the number of nature monuments occurring in almost all communes covered by the study is significantly less than the national average (only in 4 communes from among the total number of 52 is the number of nature monuments per 100 square kilometres higher than that representing the whole country). However, the interest of commune officials in 24 ecological sites created during the course of the discussed period was even lower. Relatively higher activity was demonstrated by the authorities of 1 commune with almost half (10) of the

newly created forms of this kind. Furthermore, it has been found that only 2 nature and landscape complexes have been created during last 28 years.

According to the answers obtained from the questionnaire survey, in spite of the previous limited activity of self-government officials within the scope of legal protection for various natural values, no significant change is to be expected in this regard in the near future. Only every fifth responding head of a commune (10 answers) declared that their offices plan to adopt resolutions concerning the new protection forms, and additionally, less than half of the respondents (21 persons) stated that they would be willing to accept an increase of the surface encompassed by area protection. Furthermore, all stewards of communes with a localisation of Natura 2000 areas are, except for 2 respondents, critical towards the present extent of such areas and declare that, currently, the commune council would like to limit the surface area thereof (15 respondents) or would even be opposed to their creation (11 respondents). Such attitudes may also affect the present readiness for creation of nature monuments or ecological sites in their communes.

The issue subjected to analysis was associated with financing of objectives directly associated with nature and landscape protection. In answers to the relevant question, the option concerning the creation and functioning of legally protected objects was indicated in 5 questionnaires only, i.e. in about 10% of the total number. Most frequently, the officials indicated ecological education (73% of those questioned) and then planting of trees, hedges and forestation (52% of those questioned) and lastly financing of research, expert opinions, publications and conferences (23% of those questioned), i.e. the types of activities which may directly affect the local network of protected objects. From the answers given, it appears that in about every fifth commune (19% of the total number) incurred no expenditures for the actions specified above. In another item of the questionnaire, the respondents found that external funds for support of environmental and nature protection are rather easily available (31 indications – 60% of the total number). Many heads of communes also indicated that they used or actually use external financing sources to support undertakings in the scope of environmental and nature protection. In accordance with the questionnaire, in only 6 of the 52 communes was support from Polish ecological funds not used up to the present, and in every fourth commune, there were no applications for funds from operating programmes for environment protecting activities.

The vast majority of communes (41 of 52) have a department dealing with environmental and nature protection issues on a daily basis. However, taking into account the number of employees with education in natural sciences or environmental protection (the most frequently indicated answer is 1 person - 30 responses, i.e. 58% of the total number), it should be suspected that the mentioned organizational units relatively often consist of only 1 person. The issue associated with qualifications raised through participation in proper trainings becomes particularly important in this context. This issue was considered in one of the items of the questionnaire, and the respondents were given the opportunity to select a few topics of training

within the scope of environmental resources management. From the questionnaires, it appears that the need of raising officials' qualifications within the scope of biodiversity protection is understood by only every third head of the communes and by every eighth within the scope of natural compensation. Education within the scope of development of renewable energy sources in commune (43 indications – 83% of the total number of those questioned) would be perceived as much more interesting. Other subjects, i.e. planning and implementation of a sustainable development policy, as well as introduction of environmental management, were also selected less often (16 indications, i.e. 31%, and 9 indications, i.e. 17%, respectively).

Obviously, solid knowledge concerning the natural values of local areas which could be potentially encompassed by legal protection contributes to the creation of protected objects. The execution of natural stocktaking within the territory of a commune may lead to the achievement of such a goal. Natural stocktaking encompasses knowledge of the environment on a local scale, and its most important elements consist of diagnosis of environmental resources, the characteristics of its resistance to anthropopressure, as well as evaluation of environment transformation status (Koreleski, 2009). Although more and more self-governments are interested in such a study, many units of territorial self-government are still not in the possession of such a specific review of their assets within the scope of natural resources. In the case of the group under analysis, consisting of 52 communes, from the answers given in the questionnaire, it appears that in one fourth of them (14 communes), such recognition of natural resources was never carried out, and in the group of other units, the majority of such reviews was carried out more than ten years ago (22 from among 38 communes).

The respondents were also given the opportunity to estimate the frequency of decision making in the execution of the assessment of intended undertakings on the environment. It should be mentioned that such competence of local authorities is practically associated with a majority of the investments planned within the territory of a commune and results from the Act of 3rd October 2008 on Access to Information on the Environment and Its Protection, Participation of Society in Protection of the Environment and in Environmental Impact Assessments. (Act, 2008). In the whole group under analysis, the distribution of indications was as follows: assessment always carried out – 5 indications (10%), assessment frequently carried out – 20 indications (38%), assessment rarely carried out – 27 indications (52%). Similar answers were given in a smaller group with localisation of Natura 2000 areas (29 communes), and the percentage indicators were equal to 3%, 42% and 55%, respectively. Simultaneously, as appears from the questionnaire, local authorities acting in conditions characterised by the presence of areas protected under the EU programme rarely or never used any other opportunity provided in the Act of 2008, i.e. qualification of the projects submitted in the office as investments with an impact on Natura 2000 areas (in such a case, the impact assessment would be carried out by the regional director for environmental protection). The issue associated with actions taken in connection with the presence of areas of the European Ecological Network and

with the necessity to implement the plans of their protection was also addressed in the questionnaire. From among 29 heads of communes to whom this issue concerns, almost one fourth of them (7) indicated modification of spatial development plans as this type of action, and every seventh official (4 persons) selected an action consisting in gradual introduction of solutions encouraging private owners to implement protection plans. However, the greatest number of respondents (52%) stated that no actions have been taken in their communes over the last decade.

5. Summary and conclusions

The self-government managing communes in Poland should take up actions in order to protect the local natural resources, which means, among others, interest in the network of legally protected areas and objects functioning within their territory. On the basis of the research in the form of questionnaires carried out among the heads of communes managing the works of selected commune offices within the territory of the Lubelskie Voivodship, it has been found that the interest of said offices in undertakings directly associated with nature protection an area and object was relatively small. First of all, there are no new forms of protection created by the decisions of commune councils in recent years, which partly confirms the results of some previously cited studies from Poland (e.g. Wolańska-Kamińska and Ratajczyk, 2014; Dawid, and Deska, 2014). The financing of values encompassed by legal protection seems to be insufficient, although, as appears from the questionnaires, the local officials have generally no problems with funds raised from such sources like the National or Voivodship Fund for Environmental Protection and Water Management or operating programmes.

In the context of the information presented above, it seems that the poor interest of commune bodies in financing tasks directly associated with the legal forms of nature protection (as well as in engagement therein within the scope of organisation) may result from insufficient knowledge concerning the principles of creation and functioning of such objects. This conclusion also conforms with the results of the NIK inspection referred to above. The number of properly qualified persons employed in the communes encompassed by the research is insufficient, though the administrators of commune are probably not aware of this problem, because they prefer to send their officials to trainings associated with the issues within the scope of environment protection other than that directly associated with nature protection (biodiversity protection, natural compensation). Unfortunately, the poor level of the stocktaking of natural values contributes to the lack of solid knowledge when it comes to protected objects and areas. If such action was carried out any time within the territory of a specified commune, this action most frequently took place a long time ago, and therefore there was no chance to consider, for instance, new recommendations and regulations concerning stocktaking

introduced by the Act of 9th October 2015 amending the previous content of the Act of 2008 (Act, 2015)

From the answers given, it appears that execution of such impact assessments is a rather rare phenomenon. Additionally, it appears that even the presence of Natura 2000 areas does not motivate one for more frequent execution of such an assessment, although a more stringent procedure is recommended in applicable regulations. A similar conclusion can be drawn concerning the impact of the presence of the European Ecological Network on the decisions and behaviours of officials. Generally, heads of communes do not see any need to increase the engagement of local self-governments in the protection of valuable ecosystems, which may lead to an unfavourable impact on the effective implementation of protection plans and programmes in the long-term perspective.

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