



Gryfino, 22 October 2020

DECISION

Pursuant to Article 83 (1)(1) and (2)(3), Article 83a (1), Article 83c (1), (3), (4), Article 83d (1), Article 86(1)(10) of the Nature Conservation Act of 16 April 2004 (Polish Journal of Law 2020, item 55, as amended), Articles 104, 107, and 130 of the Act of 14 June 1960 - the Code of Administrative Procedure (Polish Journal of Laws 2020, item 256, as amended), having considered the application submitted by Państwowe Gospodarstwo Wodne Wody Polskie with its registered office at ul. Grzybowska 80/82, 00-844 Warszawa, Regional Water Management Board in Szczecin, ul. Tama Pomorzańska 13A, 70-030 Szczecin, represented by Mr. Jerzy Siwicki, Sweco Consulting Sp. z o.o. with its registered seat at ul. Łyskowskiego 16, 71-641 Szczecin,

I decide to

Permit clearance of 4 tree specimens from Lot No. 35, Gryfino 3 cadastral district, namely:

Item	Tree number	Tree species	Tree circumference measured at the height of 130 cm
1.	1	European ash	208 cm
2.	2	European ash	180 cm
3.	3	European ash	187 cm
4.	4	European ash	164 cm

2. Exempt from the fee for removing trees listed in Section 1 of the Decision.

3. Oblige to:

- a) clear the trees referred to in Point 1 of the Decision by 31 December 2021, before or after bird breeding season, that lasts from the 1st March to the 15th of October in most of bird species, if trees have to be removed in that season, *ornithological supervision is required to ensure birds are not nesting on the cleared trees and to obtain and deliver to the authority an ornithological opinion indicating a possibility of clearing the trees in a manner, which has no adverse effects on birds*; if nesting birds, bats or other protected species of plants, animals or fungi are found, all works related to tree clearing shall be suspended to obtain necessary permits for derogations from any bans concerning birds, bats, or other protected species of plants, animals or fungi;
- b) **Complete replacement plantings of 8 rowan and Swedish whitebeam trees**, of at least 10 cm trunk circumference at the height of 1 m on lot 35, Gryfino 3 cadastral district by **31 December 2022** according to tree replacement planting locations specified in the graphic Appendix to the application;
- c) **Submit a written notification of replacement plantings once they have been completed by 5 January 2023**

Statement of reasons

On the 28th of August, 2020, Państwowe Gospodarstwo Wodne Wody Polskie, Regional Water Management Board in Szczecin, represented by Mr. Jerzy Siwicki SWECO Consulting Sp. z o.op., submitted an application to the Mayor of Town and Municipality of Gryfino for issuing a permit for clearing 4 trees from lot no. 35 in Gryfino 3 cadastral district. The need for tree clearance was justified with the works under Odra-Vistula Flood Management Project related to the change in vertical alignment of a part of the icebreaker base lot in Gryfino. In relation to tree clearance the Investor intends to complete replacement plantings of 8 tree specimens. A map with tree locations on the property, the powers of attorney issued to Mr. Jerzy Siwicki by Ms. Magdalena Sztukiel - the Deputy Director for Floods and Droughts at the Regional Water Management Board in Szczecin and a payment stub for the powers of attorney were attached to the application.

Due to the formal defects of the application, in the letter of 28 August 2020 the authority called on the applicant to submit a declaration on his legal title to the property's possession, the substitute powers of attorney issued to Ms. Magdalena Sztukiel and the tree replacement plan, including information on tree species and location and time schedule for completion of plantings. On the 3rd of September 2020 the Office of Town and Municipality of Gryfino received the letter supplementing the application with the required statement.

The missing powers of attorney and the lot management plan including planting locations was delivered to the Authority Officer on the 17th of September 2020.

Following the above, in the letter of 22 September 2020, the applicant was notified of instigating the administrative procedure concerning issuance of a permit for tree removal. During the field inspection it was found the trees qualified for removal on lot 35 in Gryfino 3 cadastral district grew in the green zone of the river pier where icebreakers berth in Gryfino. The indicated trees included Common ash, which grew along the lot fencing. The trees were in poor condition, with trunks partly decayed and with drying branches. The planned reconstruction of the icebreaker port, poor tree condition and the danger they caused were mentioned as the reasons for tree removal. Improving land bearing capacity and land hardening are planned with relation to the investment and according to the information obtained, a building permit is not required for the investment. Tree trunk circumferences listed in the application were verified and entered into the table in point 1 of the Decision. In relation to the removal of the trees in question the investor intends to complete replacement plantings of 8 rowan and Swedish whitebeam trees. During the field inspection no occurrence of protected plants, animals or fungi was found in the trees to be removed.

In the letter of 7 October 2020 the parties were notified of completion of the administrative procedure and of a possibility of commenting on the collected materials and evidence and submitted requests related to the case prior to decision issuance within 7 days from the notification receipt. The parties did not submit any applications or requests concerning the above case.

As a flood protection structure and public purpose investment the project is exempt from prohibitions in force for Cdynia Landscape Park pursuant to Article 83(1)(1) and (2)(3), and Article 83a(1) of the Nature Conservation Act of 16 April 2004. Pursuant to those provisions, clearing of trees at the property may take place upon obtaining a permit issued by a Mayor on the request of a property possessor - with the property owner. Basing on the documentation collected for the case, the trees listed in point 1 of the Decision were qualified for clearance pursuant to the permit. In section 2 of the decision, pursuant to Article 86(1)(10) of the Nature Conservation Act, the authority did not charge the applicant for the tree clearance as those trees are dying and unlikely to survive for reasons beyond the holder's control. According to section 3 of this decision, the applicant is obliged to clear the trees listed in point 1 of this decision by 31 December 2021. Besides, the applicant was obliged to complete replacement plantings of 8 tree specimens on Lot 35 in Gryfino 3 cadastral district by 31 December 2022 and to submit a written notification of the task completion.

Accordingly, the authority decided as stated hereinabove.

Instruction

1. This decision can be appealed against at the Self-Government Appeal Court in Szczecin through Zachodniopomorskie Voivodeship Marshal within 14 days following the receipt of the decision (Article 127 of the Administrative Procedure Code Act of 14 June 1960).
2. During the period for lodging an appeal, a party may waive the right to appeal against the public administration body that issued the decision. According to Article 127a(1) and (2) of the Administrative Procedure Code of 14 June 1960, as of the day the public administration body is delivered the waiver of the right to appeal by the last party to the proceedings, the decision becomes final and binding.
3. The decision does not become final until the end of the time limit for submitting appeals (Article 130(1) of the Administrative Procedure Code).
4. Pursuant to Article 130(2) of the Administrative Procedure Code, submission of an appeal suspends enforcement of the decision.
5. According to art. 130, §4 of the Administrative Procedure Code, the decision is enforceable before the deadline specified for the appeal if it is compliant with all the parties' requirements or all the parties waived their right to appeal.
6. This permit does exempt from the obligation to comply with other legal regulations, and to consider Articles 51 and 52 of the Nature Conservation Act concerning protected species of wild plants, fungi and animals prior to tree removal. If occurrence of protected species, their habitats, sites or nests is found prior to execution of the decision in question, tree removal should be suspended until a permit for derogations from the bans specified in Articles 51 and 52 of the Nature Conservation Act is obtained from the Regional Director for Environmental Protection in Szczecin or General Directorate for Environmental Protection.

This decision is exempted from stamp duty pursuant to Article 4 of the Stamp Duty Act of 16 November 2006 (Polish Official Journal 2018, item 1044, as amended) - Appendix: Section III Column II point 44(6).

Sent to:

1. Państwowe Gospodarstwo Wodne Wody Polskie, Mr. Jerzy Siwicki, Sweco Consulting Sp. z o.o., ul. Łyskowskiego 16, 71-641 Szczecin
2. District Starosty in Gryfino
3. Aa.

