




REGIONAL DIRECTOR FOR  
ENVIRONMENTAL PROTECTION  
IN SZCZECIN

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Date 1.06. 2020

No. ZPT.011.13.20c Signatu re 

Szczecin, May 28, 2020

WOPN-OG.6400.42.2020.MK

**DECISION**

Pursuant to the Art. 56 clause 2 point 2 and clause 4 point 6 of the Act of April 16, 2004, on nature protection (Journal of Laws of 2020, item 55) and the Art. 104 § 1 of the Act of June 14, 1960, Code of Administrative Procedure (Journal of Laws of 2020, item 256, as amended), having examined the application of Ms Krystyna Araszkiwicz, representing the State Water Management Polish Waters The Regional Water Management Board in Szczecin, dated April 2, 2020, ref.: POPDOW-ZPT.070.3.2020 (received on April 3, 2020).

**I hereby grant permit**

to The State Water Management Polish Waters The Regional Water Management Board in Szczecin, for waiving the prohibitions on:

- 1) destruction of habitats, collection, deliberate movement in the natural environment of: 2 habitats (20 rosettes) of the water caltrop *Trapa natans* (approx. 1.7 km to the SE from Stara Rudnica - approx. 655.3 km), 11 habitats of the fringed water lily *Nymphoides peltata* (645.5 - 663 km),
- 2) deliberate destruction of specimens, destruction of habitats of thousands of floating fern *Salvinia natans* populations (right-bank waters of the Odra River along the entire inventoried section of 645.5 - 654 and 654 - 663 km).

The requested activities arise from the project: Modernization works on boundary sections of Odra River, Stage I to provide Good Condition for Ice-breaking.

**This decision shall remain valid with the following conditions:**

- 1) the works will be carried out with the supervision of a botanist with appropriate knowledge in the field of metaplantations of the above-mentioned plant species;
- 2) the collection of the plants for metaplantation shall be carried out with particular care to prevent damaging the specimens;
- 3) the replanting of specimens from their current location to their destination shall be carried out with the supervision of a botanist, in a manner ensuring the viability of the transferred specimens;
- 4) the selection of locations for specimens will be made by a botanist, taking into account the appropriate habitat conditions for the water caltrop and fringed water lily;

- 5) submitting to the Regional Director for Environmental Protection in Szczecin information on the extent to which this permit has been used, before March 15, 2023, which information shall include in particular:
- the quantity of destroyed specimens of the floating fern *Salvinia natans* (e.g. area in m<sup>2</sup>),
  - the number of transferred specimens of the water caltrop and fringed water lily, date of the transfer, detailed location of the places where the specimens were transferred (plot number, surveying district, GPS coordinates), photographic documentation, substantiation by the botanist supervising the replanting.

**This permit remains valid until February 28, 2023.**

With the request letter dated April 2, 2020, ref.: POPDOW-ZPT.070.3.2020 (received on 3 April 2020), Ms Krystyna Araszkiewicz, representing the State Water Management Polish Waters The Regional Water Management Board in Szczecin, applied to the Regional Director for Environmental Protection in Szczecin, for the permit to derogate the prohibitions on:

- 1) destruction of habitats, collection, deliberate movements in the natural environment of:  
2 habitats of the water caltrop *Trapa natans* (approx. 1.7km to the SE from Stara Rudnica - approx. 655.3 km), 11 habitats of the fringed water lily *Nymphoides peltate* (645.5 - 663 km),
- 2) deliberate destruction of specimens, destruction of habitats of thousands of floating fern *Salvinia natans* populations (right-bank waters of the Odra River along the entire inventoried section of 645.5 - 654 and 654 - 663 km).

The requested activities arise from the project: Modernization works on boundary sections of Odra River as part of the Odra-Vistula Flood Management Project.

Pursuant to the Art. 61 § 1, 4 and the Art. 10 § 1 of the Code of Administrative Procedure of June 14, 1960, (Journal of Laws of 2020, item 256, as amended), in the letter dated April 24, 2020, the Regional Director for Environmental Protection in Szczecin notified the party of having initiated the proceedings and of the possibility to take a stance on the gathered evidence and materials. The party did not submit any comments in the period prescribed.

Pursuant to the Regulation of the Minister of the Environment of October 9, 2014 on the protection of plant species, the species: Water caltrop, fringed water lily, floating fern are subject to strict protection.

Pursuant to the Art. 56 clause 2 point 2 of the Nature Conservation Act of April 16, 2004, the Regional Director for Environmental Protection may, within his/her area of activity, authorise waiving the prohibitions applicable to protected species, including the deliberate destruction of specimens, habitat destruction, collection and deliberate movement in the natural environment.

Pursuant to the Art. 56 clause 4 of the Nature Conservation Act, a permit for activities covered by prohibitions applicable to the species protected by law, may be granted if there is no alternative solution, and the activities will not adversely affect the proper conservation status of the wild populations of the protected plants, animals and fungi, and at least one of the conditions listed in Art. 56 clause 4 points 1 to 7 of the Act cited above must be fulfilled.

I have concluded that there are prerequisites to grant the permit. Amongst the conditions

specified in the Art. 56 clause 4 the overriding reasons relating to the public interest (Art. 56 clause 4 point 6 of the Nature Conservation) do apply in this case.

The purpose of the requested activities is completion of the project: Modernization works on boundary sections of Odra River as part of the Odra-Vistula Flood Management Project. The main premise of the OVFMP is to increase flood protection for people living in selected areas of the Odra River and Upper Vistula River basins and to strengthen the institutional capacity of the government administration to mitigate the impact of summer, winter, and flash floods more effectively. Considering the above, there are no alternative solutions.

Providing the conditions laid down in this permit are being observed, no harmful effects on the populations of water caltrop, fringed water lily, floating fern are expected. In view of the cumulative fulfilment of the conditions set out in the Art. 56 clause 4, the hereby permit could be granted.

### **Instruction**


Pursuant to the Art. 127 § 1 and Art. 129 § 1 and § 2 of the Act of June 14, 1960, Code of Administrative Procedure, a party dissatisfied with this decision may appeal to the General Director for Environmental Protection through the Regional Director for Environmental Protection in Szczecin, within fourteen days from the date the decision was received.

Pursuant to the Art. 127a §1 of the Code of Administrative Procedure, during the time for submitting an appeal, a party may waive its right to appeal against the public administration authority which granted a permit. In accordance with the Art. 127a § 2 of the Code of Administrative Procedure, the decision shall become final and legally binding on the date the public administration authority receives the statement of derogation of the right to appeal from the last of the parties involved, after which there is no option of submitting appeal to the General Director for Environmental Protection.

This decision was subject to a stamp duty of PLN 82 under the Stamp Duty Act of November 16, 2006 (Journal of Laws of 2019, item 1000 as amended), and the duty was paid.

Recipients:

Ms  
Krystyna Araszkiwicz  
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Wzrostęcy Regionalny Dyrektor  
Ochrony Środowiska  
w Szczecinie  
Regionalny Konsultant  
  
Marcin Sieczka



Data dekretacji/Podpis

Adm. se.	Archiw.	Kopie
ZWP		
Z-KP		
Z-T-F		
ZPT-I		
ZPT-OS		
ZPT-P		
ZPT-DP		
ZP-H		
ZP-M		
ZP-P		
ZIK I		
ZIK II		