



**REGIONAL DIRECTOR FOR  
ENVIRONMENTAL  
PROTECTION IN SZCZECIN**



Szczecin, 31 October 2019

WONS-OŚ.420.44.2019.MB.12

**DECISION No. 43/2019  
on environmental constraints**

Pursuant to Art. 104 of the Act of 14 June 1960, the Administrative Procedure Code (Journal of Laws 2018, item 2096 as amended), hereinafter referred to as APC, and Art. 71(2)(2), Art. 75(1)(1)(i) and Art. 84 of the Act of 3 October 2008 on publishing information about the environment and its conservation, public participation in the environmental protection and environmental impact assessment (Journal of Laws 2018, item 2081 as amended), hereinafter referred to as EIA, and § 3, item 1, point 65 and point 86c and of the Regulation of the Council of Ministers dated 9 November 2010 on projects that can significantly affect the environment (Journal of Laws 2016, item 71), having considered the petition submitted by Mr. Jerzy Siwicki, Sweco Consulting Sp. z o.o., acting under the authority granted by Państwowe Gospodarstwo Wodne Wody Polskie, River Basin Management Board in Szczecin, for issuing a decision on environmental constraints for the project consisting in **modernizing the area between Osinów and Łubnica embankments, flood protection of Piasek**

**I hereby conclude that**

**there is no need to assess the environmental impact of the project and I specify relevant preconditions for use of the environment during the project's implementation**

1. Minimize the area of land acquired for construction facilities and storage of tools and construction materials.
2. During earthworks, store the fertile topsoil separately from infertile soil. Restore the topsoil layer on embankments using fertile substrate.
3. Store the removed topsoil behind the embankments. Do not perform topsoil removal works during rainstorms.
4. Make sure the organization and technical conditions of the project-related works eliminate the risk of disturbing the hydrographic conditions.
5. When implementing the project, prevent contamination and littering of Kanał Piasek bed, especially with oil-derivatives; the construction works cannot deteriorate the status of surface and underground water.
6. Provide the construction sites and facilities with sorbents in the amount and of the type suitable for minimizing potential incidents (leakage of contaminants).
7. If there is an oil-derivative leakage, use an oil-derivative neutralization sorbent or liquid.

8. Fuel heavy construction equipment (excluding light construction tools) outside wetlands and areas in close vicinity of open surface water. The vehicles used can be fueled only at gas stations.
9. Repair and clean the construction machinery and equipment outside the construction site and facilities, at sites equipped with proper infrastructure (washes, workshops).
10. Equip the construction facilities with relevant sanitary facilities (such as tight holding tanks) with removal of residential sewage to a wastewater treatment plant.
11. Locate the construction facilities outside environmentally valuable areas.
12. Store the residential and construction waste generated during implementation of the project in designated, fenced, and marked places.
13. Make sure the construction machinery and equipment used for implementing the project is in good technical condition and is regularly maintained (including daily checks).
14. Perform noise-generating project works only from 6.00 a.m. to 10 p.m. (except for the works that require continuity).
15. Use the least acoustically burdensome technology and technically operational equipment of the current state of technology; turn off unnecessary noise-generating equipment, machinery and tools that are not used at the time.
16. Avoid overlapping of and aggregating impacts, such as simultaneous operation of highly noise-generating equipment.
17. Store vegetation clearance material in a manner preventing its wash-away (by rainwater, high water).
18. Use only proper, domestic, specific river-valley habitat species for plantings and sowings.  
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19. When painting, protect the area adjacent to the painted objects by spreading around impermeable and paint-resistant material.
20. Optimize the construction-related transportation to minimize the number of runs.
21. To ensure safety of local residents, mark the construction site with relevant information boards and, if possible, prevent unauthorized access.
22. Protect the trees and shrubs not specified for clearance that grow in the project area and might be exposed to damage by moving vehicles, equipment, etc.
23. Clear trees and shrubs and remove topsoil from the end of August to the end of February. If it is necessary to clear trees or remove topsoil from the end of February to the end of August and the environmental team confirms presence of protected bird species on the trees or shrubs specified for clearance or in the topsoil removal area, the investor is obliged to obtain a relevant permit according to Art. 56 of the Environmental Protection Act.
24. Before clearance, carefully inspect all the trees with the diameter of 50 cm or more at the height of 130 cm above the ground for bat habitats. If the environmental team confirms presence of protected species on the trees specified for clearance, the investor is obliged to obtain a relevant permit according to Art. 56 of the Environmental Protection Act.

25. Limit the work period to not collide with amphibians' spring activity peak: the period from 1 March to 15 May should be the protection period when no works are performed in the whole area. The period can be shortened only after the herpetological supervision team confirms that breeding sites have been left.
26. Perform earthworks outside the period the herpetofauna migrates to wintering grounds - approximately between 15 October and 30 November. The period can be shortened only after the herpetological supervision team confirms the end of migration.
27. After completing the works, restore the temporarily acquired areas' former, original use.
28. Perform the works under environmental supervision. The environmental supervision team should consist of a specialist(s) with knowledge of botany, herpetology, ornithology, teriology and chiropterology. The supervision should cover, in particular, preparation works, execution of construction and assembly works, and reuse of topsoil. The supervision team's duties should include, in particular:
  - before starting the works, a botanist's identification of areas covered with invasive plants, where from the topsoil should not be reused. Depending on the identified invasive plant species, agree with the botanist the manner of removing the species during the project's implementation;
  - supervise the protection manner and status of the tree cover in direct vicinity of the works, including but not limited to the places of heavy construction equipment use, soil and construction materials storage;
  - have specialist supervision for flora and fauna protection to control the course of works, including but not limited to the works related to clearing trees and shrubs, topsoil removal in the project area, and locating the construction facilities.

#### **Statement of reasons**

Mr. Jerzy Siwicki, Sweco Consulting Sp. z o.o., acting upon powers issued by Państwowe Gospodarstwo Wodne Wody Polskie, River Basin Management Board in Szczecin, petitioned the local authority on 3 June 2019 for environmental constraints for a project consisting in modernization of the area between Osinów and Łubnica embankments and flood protection of Piasek.

The characteristics of the planned investment project show that, according to § 3, Item 1, points 65 and 86c of the Regulation of the Council of Ministers on projects that can significantly affect the environment (Journal of Laws 2016, item 71), the project is an undertaking that can significantly affect the environment for which environmental impact assessment may be required.

The undertaking is an investment project as specified by provisions of the Act of 8 July 2010 on specific terms of preparing for implementation of flood structures, so, according to Art. 75(1)(1)(i) of EIA, the body competent for issuing the environmental constraints decision is Regional Directorate for Environmental Protection in Szczecin.

According to Art. 80(2) of EIA, if a petition for environmental constraints applies to an investment project carried out pursuant to the Act of 8 July 2010 on specific terms of preparing for implementation of flood structures, compliance of the investment project's location with the local land use plans is not required.

This decision has been issued according to Art. 104 of APC specifying that public administration bodies handle cases by issuing decisions, and according to Art. 84 of EIA stipulating that if environmental impact of an undertaking is not assessed, the competent body determines the lack of the assessment.

It was determined during the proceedings that the number of pages exceeded 20. Therefore, according to Art. 49 of APC, the parties were notified of subsequent stages of the proceedings through announcements.

After confirmation of the completeness of the petition in formal terms, administrative proceedings were instigated for the case, of which the parties were notified through an announcement dated 7 June 2019, ref.: WONS-OŚ.420.44.2019.MB.1.

In result of the documentation's analysis, the local authority identified missing information that prevented determining if the undertaking required environmental impact assessment. Therefore, with the letter dated 11 June 2019, the body requested submitting the Project Information Sheet. The Petitioner supplemented the documentation on 28 June 2019.

Bearing in mind that the gathered evidence was sufficient for determining if the planned undertaking required carrying out the environmental impact assessment, according to Art. 64 of EIA, the County Public Health Inspector in Gryfino and the Director of Regional Water Management Board in Szczecin, Państwowe Gospodarstwo Wodne Wody Polskie, were requested with the letters dated 2 July 2019 to issue a report on the necessity of carrying out environmental impact assessment.

With the letter dated 4 July 2019 (ref.: SZ.RZŚ.436.1.319.2019.AP). the Director of Regional Water Management Board in Szczecin, Państwowe Gospodarstwo Wodne Wody Polskie, determined that, because of the fact that the petition for the undertaking was submitted by the River Basin Management Board of PGW WP in Szczecin, the competent body for issuing the decision on the necessity to carry out the environmental impact assessment for the undertaking was the Minister of Maritime Economy and Inland Navigation. Therefore, the documentation regarding the considered project was submitted to the Minister of Maritime Economy and Inland Navigation.

With the letter dated 12 July 2019 (ref.: PS-N- NZ/4011-21/118/19), the County Public Health Inspector in Gryfino did not consider it necessary to carry out the environmental impact assessment for the investment project.

With the letter dated 22 July 2019 (date received by the local office: 26 July 2019, ref.: DOK.DOK2.9750.29.2019.SW), the Minister of Maritime Economy and Inland Navigation requested a written clarification and supplementary information for the submitted Project Information Sheet. Therefore, with the letter dated 29 July 2019, the authority conducting the proceedings requested the Investor to provide written clarification and additional information in the scope specified by the Minister of Maritime Economy and Inland Navigation.

Due to the supplementary documents submitted on 30 August 2019, with the letter dated 2 September 2019, the decision was re-requested from the Minister of Maritime Economy and Inland Navigation.

With the letter dated 20 September 2019 (date received by the local office: 25 September 2019, ref.: DOK.DOK2.9750.29.2019.SW), the Minister of Maritime Economy and Inland Navigation decided that there was no need to carry out the environmental impact assessment for the investment project and specified the conditions for protecting the soil and water environment covered by this decision.

On 24 September 2019 the Act of 3 October 2008 on access to information on the environment and its protection, public participation in environment protection and environmental impact assessments (Journal of Laws 2018, item 2081 as amended) was amended. The Act waived Art. 63, item 2, stipulating that issuing the decision on environmental constraints identifying no need to carry out environmental impact assessment had to be preceded by a ruling. Therefore, according to Art. 4, item 2 of the Act dated 19 July 2019 on amending the act on access to information on the environment and its protection, public participation in environment protection and environmental impact assessments and some other acts (Journal of Laws 2019, item 1839 as amended), there was no need to issue the decision in the proceedings.

The parties were notified of all the circumstances of the proceedings, including the petition for the decision to the other party and rights of the parties resultant from Art. 10 of APC specifying that persons that have the status of a party to the proceedings can: actively take part in any stage of the proceedings, access the documentation submitted for the proceedings, express their opinion regarding the gathered materials and evidence, and make comments and proposals.

According to Art. 10, § 1 of APC, before issuing the environmental constraints decision the body made it possible for the parties to express their opinions regarding the gathered materials and evidence and filed requests. Therefore, with the announcement dated 26 September 2019 (ref.: WONS-OS.420.44.2019.MB.il), the authority notified the parties of collecting the evidence necessary for issuing the requested decision, and the possibility of accessing the prepared documentation as well as expressing their opinions on the collected materials and evidence and making comments and proposals, and specified the deadline for the above. None of the parties appeared in the office before the deadline to access to the documentation collected for the case. Furthermore, no comments or proposals were made in that period, therefore, based on the collected evidence, the local authority issued this decision.

Due to derogation from the obligation to carry out the environmental impact assessment for the project, there was no need to follow the public procedure.

Subject to Art. 84, item 2, point 2 of EIA, if no environmental impact assessment has been prepared for a project, justification of the environmental constraints decision should include information about the constraints specified in Art. 63, item 1 of the act taken into consideration when there is no need to carry out the environmental impact assessment for the project.

The following facts determine the absence of the need to carry out the environmental impact assessment.

The undertaking includes construction of protective structure of the total length of 2100 m protecting Piasek area against water overflow from Kanał Piasek which depends on the level of water in Odra.

The undertaking will be implemented in Zachodniopomorskie Voivodeship, on lots of land owned by Cedynia and Chojna municipalities.

According to the documentation, the project will be located in the high flood risk area with flood probability of 0.2%, 1.0%, and 10%.

The undertaking will be located outside wetlands as specified by the Ramsar Convention, marsh habitats and river confluences. The investment project is planned outside mountain and coastal areas but some parts will be located in woodlands (about 350 m long). The area specified for the project does not include landscape of cultural, historical, nor archeological importance and is not adjacent to lakes. Moreover, the undertaking will not be carried out in an area of exceeded environmental quality standards. The planned project will not be located in health resort or health-resort protection areas.

The documentation submitted by the Investor includes an analysis of the investment project in 2 variants and so-called variant "0" for the case of cancelling the project. Having analyzed the differences and considerations related to the investment project in specific variants and impact of the variants on specific natural environment components, it was determined that Variant I was most favorable to the environment.

The undertaking will be carried out in one uniform body of surface water (UBSW), i.e. PLRW60002119199 (Odra from Warta to Odra Zachodnia). The UBSW is a considerably altered body of poor quality water characterized by risk of failing to achieve the set environmental targets and specified derogations. The environmental target for the UBSW is to ensure a sound ecological and chemical state and to support migration of water organisms at the relevant section of the water course (Odra within the UBSW). Furthermore, the investment project is located within a uniform body of underground water (UBUW), i.e. PLGW600023. The UBUW is characterized by a sound chemical and quantitative state and poses no risk of a failure to achieve the environmental targets set as retaining the sound chemical and quantitative state of the UBUW.

The undertaking will have no adverse impact on the feasibility of attaining the environmental targets set in the Water Management Plan for Odra river basin for the uniform body of water, nor for the protected areas specified in Art. 16, item 32 of the Water Law.

The activities planned for the project and their nature as well as the size of the uniform body of water will not permanently deteriorate its biological, physical, chemical, and hydromorphological features. The works will not limit migration of water organisms in Kanał Piasek. Furthermore, no works are to be performed directly in the bed of Kanał Piasek. Some of the works will be performed from the water side, from a vessel (mechanical demolition of a stone barrier with loading of the collected stone onto a vessel and transporting it to the place where it will be reused for perimeter slope of the embankment). Additionally, works from the water side include driving a watertight steel wall into the ground (using a crane with wall driving equipment) and concreting the reinforced cap.

According to the information presented in the documentation, building the two sections of the embankment connected with the flood protection wall will not impact the current water conditions in the area between the embankments and behind them.

The technical solutions designed for sealing the embankment bodies and the ground below them will not impact the conditions for underground water migration. The undertaking will not impact the quantitative and qualitative state of UBUW.

Rainwater and snowmelt from surface run-off will flow following their natural direction to Kanał Piasek through the existing network of drainage ditches located on the landward side of the embankment and the planned drainage network located in the embankment's landward foot.

The analysis in the Project Information Sheet shows that risks to specific environment components will be present only at the project implementation stage. The implementation stage will involve emission of waste, unorganized emission of air pollutants and noise to the environment caused by operation of construction machinery and transport equipment, and emission of household sewage generated by the construction workers. The inconvenience will be of short-term nature, typical for project implementation, and it will cease upon completion of the works.

During the project implementation there will be a short-term increase in the level of contaminants emitted to atmosphere and noise related to operation of the equipment. The impact will be of local range and will cease upon completion of the works. The analysis shows that the planned undertaking will not be burdensome to the existing closest residential developments.

It is expected that at the project construction stage the earth works will be limited to the area of not more than 3.2 ha. The earth works will be of linear nature. Surface of the embankments will be topped with fertile soil substrate collected when preparing the ground for construction of the embankments. The area around the project will also be reclaimed using previously collected organic soil layer.

Soil and water environment contamination can only result from an emergency; in that case the soil can be contaminated directly with oil derivatives. In the case of contaminating the soil with oil derivatives by faulty machinery and equipment, the type of the impact will be of short-term (even momentary) nature. In such cases the environment can be contaminated with small amounts of contaminants and the spatial range will be limited. It should be prevented by use of modern, technically functional equipment and proper organization and supervision of the works.

Implementation of the project involves clearing vegetation for setting the flood protection structures, which includes clearing of about 1.3 ha of woods. The tree stand is a pine monoculture of various age.

It was determined on the basis of the submitted documentation that:

- the nearest protected plant species' habitat (*Scutellaria hastifolia*, spear-leaved skullcap) is located about 550 m from the investment area and there is no risk of destroying it,
- a stretch of floating moss (*Salvinia natans*) with the total surface of about 14.3 ha was identified. Because of the works planned to be performed from water (when constructing the flood protection wall), there is a risk of damaging or moving the plant. The impact will be similar to that of navigation traffic. The estimated maximum surface of the damage is 2.0 ha. The scale of damage can depend on the finally adopted solutions (e.g. type of the barge), while it is certain it will not exceed the specified area. The data gathered for flood protection projects shows the occurrence of floating moss is deemed to be common. Therefore it has been concluded that the scale of the interference in the population's dynamics will not be significant.

The interference will be preceded by obtaining a decision to derogate from the prohibition regarding the protected species.

As for fauna, it was concluded that the main risk the project works would pose would be temporary disturbance. In general, the expected impact of the investment project will be transitory and spatially limited. Overall, the impact will not be relevant and will not significantly reduce the area's biodiversity.

At the construction stage the main anticipated risk to herpetofauna will be disturbance (with the approximate range of 100 m from the works) and incidental killing of specimen during the works. The occasional killing of amphibians or reptiles might result from collisions with vehicles operating at the construction site and animals falling into trenches. Nonetheless, no relevant long-term impact is expected to pose a risk to the population's continuity or to reduce the population. Additionally, the minimizing measures specified in this decision have been taken to reduce the impact of this stage of the project on herpetofauna.

As specified in the nature inventory taken, the project will collide directly with the red-backed shrike's biotope. The species is protected, so, to minimize the project's impact, adjust the timing of the works to the species' ecology and clear trees and shrubs and remove topsoil outside the nesting season, i.e. from the end of August to the end of February, in order to not disturb breeding birds. It is possible, though, that works will be performed during the breeding season but the Investor must obtain a relevant permit as specified in Art. 56 of the Environmental Protection Act.

According to the documentation, the reservoir of chiropterofauna shelters is made of mature hollow trees. Therefore, it is recommended to carry out a thorough chiropterological inspection for presence of the mammals before clearing trees. If bats are found, it will be necessary to obtain a relevant permit issued according to Art. 56 of the Environmental Protection Act.

Furthermore, if the construction site or newly provided infrastructure is lighted, limit the lighted area as much as possible because the lighting will scare away bats from their feeding and breeding grounds.

Using the structure will not involve emission of significant amounts of substances or energy to the environment, will not limit the access to habitats on the opposite side of the embankments, will not reduce the area of valuable habitats, nor it will increase the mortality rate of fauna.

During the project's implementation the waste generated will belong mostly to Group 17 as specified in the attachment to the Regulation of the Minister of Environment dated 9 December 2014 on the waste catalogue (Journal of Laws 2014, item 1923). The waste will be handled according to relevant regulations.

Use of the structure will not generate waste. Nonetheless, during maintenance or renovation works slight amounts of waste can be generated. The manner of handling the waste (including hazardous waste, if any) generated in result of using the structure will be based on provisions of the Waste Act of 14 December 2012, just like at the construction stage. During the works the first technologies and materials to be used are the ones preventing generation of waste or reducing its amount as much as possible.



The investment project is located in Nature 2000 areas: Lower Odra Valley PLB320003 and Lower Odra PLH320037. Moreover, the project area overlaps with Cedyňa Landscape Park.

Analysis of the project's impact on habitat 91E0 subject to protection under area PLH320037 and located about 220 m from the project's border included review of the risks specified in the protection plan for the area (Journal of Laws of Zachodniopomorskie Voivodeship 2014, item 1661 as amended). The following risks covered by the protection plan have been identified for the project:

- man-made changes in water regime,
- regulation of river basins and changing river runs (straightening river beds),
- dams and flood protection in inland water systems.

Bearing in mind the scope of the investment project, it was determined that the project does not involve:

- changing the water regime; the investment project will not impact the dynamics of water level in the UBSW. If flood water comes, the breeding habitats will still be temporarily flooded. The drainage system planned for the landside of the flood protection structures is to ensure run-off of water from the basin to Kanał Piasek in the amount and of the state consistent with the current run-off conditions,
- regulation of rivers,
- simplifying the river bed's morphology, including straightening river beds and altering their runs.

Bearing in mind the above and the nature and scope of the planned undertaking, no deterioration of the level of protection is expected for habitat 91E0 (willow, poplar, alder and ash gallery forests; *Salicetum albo - fragilis*, *Populetum albae*, *Alnenion glutinoso-incanae*.)

The following mammal species subject to protection in area PLH320037 have been identified within the borders of the investment project: otter *Lutra lutra* and beaver *Castor fiber*. According to the documentation, the species have been regularly observed in the area between the embankments due to the region's rich food base. Bearing in mind the high migration capacity and behavior of the species they will be affected mostly by disturbance from operating equipment. In the case of otter and beaver the construction stage might involve reducing the food base, when the works exert anthropopressure on reducing the range of the feeding grounds. The expected impact will not be of significant nature and will cease with completion of the construction stage.

Presence of four species protected under Nature 2000 Lower Odra Valley PLB320003 has been determined within the project's impact range: gadwall (3-4 pairs), lapwing (2 pairs), and feeding non-nesting species: black stork and great egret (7 specimen). Proper project works do not collide with gadwall's and lapwing's breeding sites. As for the other two species, implementing the project will not involve reducing their feeding grounds. Furthermore, the project will not alter water conditions of the area, including changes in water regime of the river, which could pose a risk to the species.

Summing up, due to the range and transitional nature of the works as well as the current development of the project area, no negative impact is expected on protected fauna species and the natural habitats subject to protection under Nature 2000. Bearing that in mind, the local authority did not deem the undertaking a project that could significantly impact the Nature 2000 area.

The investment project will alter the current landscape by becoming its prominent feature. However, the adopted technical solutions such as building a flood protection wall next to Piasek, due to the small area of the land acquired, preclude the necessity to intervene with nearby buildings and structures (such as a cemetery or archeological sites). It will support maintaining the current development layout of the place and its character. Using earthen embankments for protecting developments ensures their blending, when covered with vegetation, with the surrounding landscape and their reduced visibility. Bearing that in mind, it is not assumed that the structure's use will significantly reduce the value of historical monuments in Piasek, but it will protect them against natural disasters.

As a flood protection structure and public purpose investment the project is exempt from prohibitions in force for Cedynia Landscape Park pursuant to Art. 17, item 1, point 5 and Art. 17, item 2 of the Environmental Conservation Act of 16 April 2004.

The Investor has analyzed the matter of cumulative impact, including the undertakings implemented under Odra - Vistula Flood Management Project (Task 1B.2 - Modernization of border Odra). The project has been divided into two stages. Under Stage I, i.e. *Modernization works on the border section of Odra to enable ice-breaking operations in winter*, nearest works will be located about 20 km from Piasek. For Stage II, i.e. *Modernization of river engineering structures on the border section of Odra* (Task 1B.2), the environmental constraints decision is currently being obtained. Stage II works will be performed in Odra bed section by section. According to the information presented by the Investor, construction works for flood protection of Piasek are scheduled to be started at the end of 2020, while the works for the whole Task 1B.2 are planned to be started in mid-2021. Summing up, the risk of cumulated impact of this project's works and works of 1B.2 is low due to the distance between the projects, their specific nature and low probability of simultaneous execution of both undertakings. Moreover, the risk of cumulative negative impact of *Flood protection of Ognica village* project was also analyzed. It follows from the information provided in the documentation that due to the considerable distance to the task (i.e. 16 km) no significant cumulative negative impact is expected. Therefore, the projects are not expected to have significant negative cumulative impact on the feasibility of the environmental targets and on the status of natural environment.

Analyzing the risk of cumulative impact, the Investor considered in the submitted documentation also maintenance works specified in the Water Maintenance Plan passed with the Resolution No. 13/2016 by the Director of Regional Water Management Board in Szczecin dated 19 December 2016, hereinafter abbreviated to WMP. It follows from the documentation that the cumulative impact from the project can take place due to the works related to clearing of trees and shrubs growing on the bottom of inland surface water performed under WMP at kms 617.00 - 704.00 of UBSW Odra from Warta to Western Odra (PLRW60002119199). To avoid the cumulative effect, it is recommended to adjust the schedule of the maintenance works related to clearing the trees and shrubs (except for the period necessary for ensuring safety of people) in Kanał Piasek to the timing of this project.

The project will be implemented in whole in the territory of the Republic of Poland. Due to the local nature of the project, its implementation will involve trans-border impact.

The planned undertaking is not a project burdened with the risk of a serious industrial accident or a natural or construction disaster that could negatively impact the environment or human health or lives. The project consists in construction of flood embankment and its building is to prevent such natural disasters as floods.

This decision and the information sheet of the project recommends a number of measures minimizing and mitigating the potential negative impact on such aspects as protection of surface and underground water, soil, atmospheric air, and natural environment. Moreover, to limit the environmental losses and to support control of the proper execution of the measures minimizing the negative impact on the environment, environmental supervision was made mandatory.

The submitted materials regarding the project and the data on the natural environment elements within the environmental impact of the project made it possible to sufficiently assess its impact on the environment, including the natural environment. Therefore, bearing in mind the type, scope, and nature of the project as well as the conditions of land use at the implementation stage, the investment project is not deemed to require carrying out the environmental impact assessment, including Nature 2000 areas.

This decision has been issued on the basis of EIA Act provisions and taking into account the following:

- the report prepared by the sanitary inspection body,
- the report prepared by the body competent to issue the water permit,
- provisions from the project information sheet,
- the formal and substantive scope to be considered by the decision as required by Articles 82, 84, and 85 of EIA.

The proceedings regarding the issue of the environmental constraints, as specified in Art. 73 of EIA Act, were carried out at the request of the entity planning the project.

The environmental constraints decision does not grant any rights to real property nor it overrides any ownership rights and rights of any third parties.

The petitioner paid the stamp duty for the issue of the environmental constraints decision according to the Act dated 16 November 2006 on stamp duty (Journal of Laws 2019, item 1000 as amended).

According to Art. 84, item 2 of EIA Act, the Specification of the project is an integral part of this decision.

#### **Instruction**

The parties may appeal against this decision to the General Director for Environmental Protection through the Regional Director for Environmental Protection in Szczecin, within 14 days following the date of delivery of the decision.

According to Art. 127 of APC, during the period for lodging an appeal, a party may waive the right to appeal against the public administration body that issued the decision. As of the day the public administration body was delivered the waiver of the right to appeal by the last party to the proceedings, the decision becomes final and binding, which means that it has immediate effect and it is not possible to appeal against it to the regional administrative court. The waiver of the right to appeal cannot be effectively withdrawn.



Attention of:

1. Mr. Jerzy Siwicki, Sweco Consulting Sp. z o.o., ul. Łyskowskiego 16,71-641 Szczecin - ZPO
2. Other parties to the proceedings in the manner stipulated by Art. 49 of the Act dated 14 June 1960, Administrative Procedure Code (Journal of Laws 2018, item 2081 as amended).

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1. County Public Health Inspector, ul. Flisacza 6, 74-100 Gryfino e-PUAP
2. Minister of Maritime Economy and Inland Navigation, Department of Case Law and Water Management Control, ul. Nowy Świat 6/12; 00-400 Warszawa - e-PUAP

Appendix to the decision by the Regional Director for Environmental Protection in Szczecin on environmental constraints dated 31 October 2019, ref.: WONS-OŚ.420.44.2019.MB.12.

### Specification of the project

The investment project belongs to the category of flood protection projects.

The project involves construction of a flood protection structure, 2100 m long in total, protecting the area of Piasek (Cedynia municipality) against water overflow from Kanał Piasek which depends on the level of water in Odra.

The undertaking includes construction of two sections of flood embankment, 1200 m long in total. Routing of the south embankment section utilizes the natural land elevation that is significantly higher than the required flood protection embankment crown.

The sections of the embankment will be connected with a flood protection wall with the length up to 900 m made of steel sheet pile wall with a reinforced concrete cap and an extension made of mobile flood protection barriers.

The project includes reconstruction of the existing public road (stone-paved municipality road) at a section not longer than 120 m and a section not longer than 140 m on the State Treasury land (National Forests Holding, Chojna Forest Division), being an extension of the public road communication route.

There will be associated elements implemented as part of the project, such as technical passageways along the flood protection structure and at the embankment crown of the total length matching the designed flood protection structure, including adding them to public roads, vehicle maneuver areas at technical passageways, water connection for natural disaster fighting purposes, water draining elements on the landside foot of the flood protection, including reconstruction of the existing system of ditches.

Table 1 Registered lots the project is to be located on

Lot No.	Cadastral district	Municipality
1/1, 144/1, 144/2, 145, 153, 343/1, 343/2, 343/3, 342, 344, 345, 346, 347, 410, 411, 412, 413, 414, 417, 418, 419, 420, 426, 427/1, 427/2, 485/1, 483, 484, 669, 671, 672, 675, 676, 677, 678, 679, 680,	Piasek	Cedynia
12/1	Raduń	Chojna



p.o. REGIONALNEGO DYREKTORA  
OCHRONY ŚRODOWISKA  
w Szczecinie

*Aleksandra Stochulna*

