

DECISION

Pursuant to provisions of Article 83 (1) and Article 86 (1) (4), (10), and (14) of the Nature Conservation Act of 16 April 2004 (Journal of Laws 2020, Item 55, as amended), and Article 104 (1) of the Administrative Procedure Code (consolidated text, Journal of Laws 2020, item 256, as amended), having considered the application by Państwowe Gospodarstwo Wodne Wody Polskie, Regional Water Management Board in Szczecin, ul. Tama Pomorzańska 13A, for a permit to clear three trees from the lot number 15, Ognica cadastral district, and six trees from the lot number 34, Ognica cadastral district, in relation to works performed for flood protection of Ognica

I d e c i d e t o

1. grant the permit for clearance of three trees from the lot number 15, Ognica cadastral district, namely:
 - white willow, trunk circumference: 427 cm,
 - field elms, trunk circumference: 174 and 123 cm,
2. grant the permit for clearance of six trees from the lot number 34, Ognica cadastral district, namely:
 - poplars (mixed Euro-American species), trunk circumference: 490 and 347 cm,
 - field elm, trunk circumference: 152 cm,
 - common alders, trunk circumference: 74, 34, and 75 cm,
3. oblige the applicant to:
 - clear the trees by 31 December 2021, and tidy the cleared tree places,
 - make replacement planting of 18 midland hawthorn trees, trunk circumference at least 4 cm measured 100 cm above the ground by 31 May 2021 at the lot number 483, Ognica cadastral district (municipal road belt),
 - report the planting specified herein by 30 June 2021, including proto documentation and location (a map with the places marked),
4. No fee is charged for clearance of the trees.

S t a t e m e n t o f r e a s o n s

Państwowe Gospodarstwo Wodne Wody Polskie, Regional Water Management Board in Szczecin, ul. Tama Pomorzańska 13A, applied for a permit to clear three trees from the lot number 15, Ognica cadastral district, and six trees from the lot number 34, Ognica cadastral district, justifying the need with works required for flood protection of Ognica under *Measure 1A.2, Flood protection of Gryfino, Ognica, and Piasek on the Odra River. Improvement of Marwicki Polder, Stage III - Modernization of pump station Krajnik*, aimed at restoring the flow of high water in Kanał Rynica-Ognica and run-off of water, mainly for heavy rain and dynamic snowmelt situations.

A field inspection has revealed that the trees on the lot number 15 (willow and elm) are damaged, bitten by beavers at the butt section, and one of the elms is completely chewed around. Similar beaver damage was found at the elm at the lot number 34, while the poplars are complete deadfalls. Three alders grow directly in the water course or its direct vicinity. Most of the trees (except for alder) are not likely to survive for reasons beyond the real property possessors and their location precludes the undertaking aimed at restoring the flow and improving the run-off of high water through Kanał Rynica-Ognica. The trees are of little natural value, not to mention the aesthetics.

Owners of the lot number 15 in Ognica cadastral district approved removal of the trees from their property by the applicant, while the lot number 34 in Ognica cadastral district is owned by the state treasury and is registered as resources of Państwowe Gospodarstwo Wodne Wody Polskie, Regional Water Management Board in Szczecin.

During the field inspection the trees were checked for presence of protected species and none were found.

The deciding authority was of the opinion the application deserved a favorable decision. Clearance of the trees will not cause irreversible damage to the natural environment.

The recommended practice is to fell trees outside the bird nesting season, in autumn-winter time (i.e. from 1 September to 28 February), so disturbing nesting birds is avoided.

The Regional Director for Environmental Protection in Szczecin has issued the decision number 64/2018 (ref.: WONS-OŚ.420.48.2018.AW.12 dated 19 Dec 2018) on environmental constraints specifying no need to assess the environmental impact and stating relevant preconditions for use of the environment during the project's implementation, with particular focus on the necessity to conserve natural values.

The legal base for the decision is Article 83 (1) of the Nature Protection Act. It stipulates that trees and shrubs can be cleared if permitted by the head of the community.

Furthermore, pursuant to Article 86 (1) (4), (10), and (14) no fee for the clearance is charged because the trees pose threat to safety of people, are dying, and are not likely to survive for reasons beyond the property owner's control, and their clearance is related to regulation and restoration of flow in natural water courses, construction and maintenance of water structures used for management of water resources, and flood protection in the scope necessary for construction and maintenance of the structures.

Therefore, it was ruled as stated.

Instruction

This decision is final in the administrative course of proceedings.

A party not satisfied with the decision can, according to Article 127 (2) of the Administrative Procedure Code, appeal to the Self-Government Appeal Court in Szczecin through Head of Widuchowa Municipality within 14 days following the receipt of the decision.

Clearance of the trees outside the period specified herein will result in an administrative fine for tree felling without a permit, as specified in Article 88 (1) (1) of the Nature Conservation Act.

Sent to:

1. Państwowe Gospodarstwo Wodne Wody Polskie
Regional Water Management Board (RZGW) Szczecin

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3. A / a



WÓJT
[Signature]
mgr Paweł Wróbel

This decision is exempted from stamp duty pursuant to the Annex to the Stamp Duty Act dated 16 Nov 2006 (consolidated text, Journal of Laws 2020, Item 1546), Part III Item 44, column 4, item 6.