



Gorzów Wielkopolski, 07 April 2023

**Regional Director for
Environmental Protection in
Gorzów Wielkopolski**

WPN-I.6401.130.2023.JK

DECISION

Pursuant to Article 155 of the Act of 14 June 1960 – Code of Administrative Procedure (Journal of Laws of 2022, item 2000, as amended), having examined the application of Mr Rafał Chrostowski, Contract Manager of Warbud S.A., ul. Domaniewska 32, 02-672 Warsaw – acting under power of attorney from State Water Management Polish Waters Szczecin Catchment Board, dated 02 February 2023 (date of receipt at the office: 06 February 2023), supplemented with the correspondence of 13 March 2023, ref.: B/Kostrzyn/RC/693/23 (date of receipt at the office: 20 May 2020),

I hereby change

my decision, ref.: WPN-I.6401.248.2019.KS dated 05 August 2019, authorising the State Water Management Polish Waters, Regional Water Management Authority in Szczecin, ul. Tama Pomorzańska 13A, 70 - 030 Szczecin, to perform the following activities, i.e.

➤ **ENTOMOFAUNA AND TERRESTRIAL MOLLUSCS**

- 1) intentional, incidental killing, willful destruction of eggs or growing forms, destruction of nests and destruction of habitats or refuges that are sites for breeding, rearing, resting, migration or feeding for the common carder bee species *Bombus pascuorum* (10 spcs.),
- 2) intentional, incidental killing, intentional destruction of eggs or growing forms, and destruction of habitats or refuges that are the sites of breeding, rearing, resting, migrating or feeding for the Burgundy snail species *Helix pomatia* (30 spcs.),
- 3) deliberate destruction of habitats or refuges that are the sites for breeding, rearing, resting, migrating or feeding, and deliberate intrusion or disturbance of 20 spcs. of the green snaketail *Ophiogomphus cecilia*,

➤ **ORNITHOFAUNA**

- 1) destruction of habitats or refuges that are breeding, rearing, resting or foraging areas, and deliberate disturbance or intrusion in night-time habitats during the breeding season at sites of breeding or rearing, or at sites of feeding of species, i.e.
 - barn swallow *Hirundo rustica* (20 pairs),
 - common house martin *Delichon urbicum* (30 – 35 pairs),

- common starling *Sturnus vulgaris* (3 pairs),
 - black redstart *Phoenicurus ochruros* (1 pair),
- 2) destruction of nests of species, i.e.:
- barn swallow *Hirundo rustica* (3 nests),
 - common house martin *Delichon urbicum* (15 nests),
 - common starling *Sturnus vulgaris* (1 nest),
 - black redstart *Phoenicurus ochruros* (1 nest),

on plots with registration numbers: 62, 64, 2/1 locality Stare Miasto and 394/57, 346/11, 345/3, 345/1, 345/2, 344, 268/2, 347, 348/1, 349, 350, 394 / 36, 394/39, 394/40, 394/42, locality 0004 Śródmieście, the commune of Kostrzyn nad Odrą, Gorzów district, Lubuskie province,

- 3) destruction of habitats or refuges that are the sites of breeding, rearing, resting, or feeding and destruction of two nests of species from the passerine order *PASSERIFORMES*, located on the maple tree entered on the list of trees for removal under no. 161, growing on plot no. 64, locality 0006 Stare Miasto, the commune of Kostrzyn nad Odrą, Gorzów district, Lubuskie province,

ICHTHYOFAUNA

- intentional, incidental killing, injuring, destruction of habitats or sanctuaries being breeding or feeding areas, and intentionally preventing the access to refuges for the following species:
- river lamprey *Lampetra fluviatilis* (5 spcs.),
 - white-finned gudgeon *Romanogobio albipinnatus* (3-5 spcs.),
 - spined loach *Cobitis taenia* (20 spcs.),
 - European weatherfish *Misgurnus fossilis* (5 spcs.),
 - European bitterling *Rhodeus amarus* (*Rhodeus sericeus*) (10 spcs.),

on plot number 2/1, locality Stare Miasto, the commune of Kostrzyn nad Odrą, Gorzów district, Lubuskie province,

in connection with the necessity to implement the planned investment titled "*Expansion of national road no. 31 as part of the task titled: "Demolition and construction of a road bridge at km 107+211 of National Road 31 in Kostrzyn nad Odrą (at km 2.45 of the Warta river), implemented as part of the Odra-Vistula Flood Management Project – Task 1B.5 Reconstruction of bridges to ensure minimum clearance"*", to the following extent:

the phrase:

"This permit is valid from 1 March 2020 to 31 May 2023.

I further oblige the Applicant to provide the Regional Director for Environmental Protection in Gorzów Wielkopolski with a report on the extent to which this permit has been used, **until 30 June 2023**. The report must refer to the number of this decision."

is replaced by:

"This permit is valid until **31 March 2025**.

I further oblige the Applicant to provide the Regional Director for Environmental Protection in Gorzów Wielkopolski with a report on the extent to which this permit has been used, **until 30 April in the years 2023-2025**. The report must refer to the number of this decision."

and

the phrase:

“2. for ichthyofauna, the works must be carried out outside of the spawning and spawn incubation season, i.e. from 1 March to 30 June;”

is replaced by:

“2. for ichthyofauna, the works must be carried out outside of the spawning and spawn incubation season, i.e. from 1 March to 30 June with the exception of works consisting in the installation and dismantling of sheet piling necessary for the demolition of the existing bridge and the dismantling of the supports of the temporary bridge; works should be carried out under the supervision of an ichthyologist;”

In other respects, the decision in question, ref.: WPN-I.6401.248.2019.KS, dated 05 August 2019, is left unchanged.

STATEMENT OF REASONS

Mr Rafał Chrostowski, Contract Manager of Warbud S.A., ul. Domaniewska 32, 02-672 Warsaw – acting under power of attorney from State Water Management Polish Waters Szczecin Catchment Board, filed an application dated 02 February 2023 (date of receipt at the office: 06 February 2023), supplemented by correspondence dated 13 March 2023, ref.: B/Kostrzyn/RC/693/23 (date of receipt at the office: 16 March 2023) to change the decision ref.: WPN-I.6401.248.2019.KS dated 05 August 2019, authorising the State Water Management Polish Waters, Regional Water Management Authority in Szczecin, ul. Tama Pomorzańska 13A, 70 - 030 Szczecin, to perform the following activities, i.e. **ENTOMOFAUNA AND TERRESTRIAL MOLLUSCS:** 1) intentional, incidental killing, willful destruction of eggs or growing forms, destruction of nests and destruction of habitats or refuges that are sites for breeding, rearing, resting, migration or feeding for the common carder bee species *Bombus pascuorum* (10 spcs.), 2) intentional, incidental killing, intentional destruction of eggs or growing forms, and destruction of habitats or refuges that are the sites of breeding, rearing, resting, migrating or feeding for the Burgundy snail species *Helix pomatia* (30 spcs.), 3) deliberate destruction of habitats or refuges that are the sites for breeding, rearing, resting, migrating or feeding, and deliberate intrusion or disturbance of 20 spcs. of the green snaketail *Ophiogomphus cecilia*, **ORNITHOFAUNA:** 1) destruction of habitats or refuges that are breeding, rearing, resting or foraging areas, and deliberate disturbance or intrusion in night-time habitats during the breeding season at sites of breeding or rearing, or at sites of feeding of species, i.e. barn swallow *Hirundo rustica* (20 pairs), common house martin *Delichon urbicum* (30 – 35 pairs), common starling *Sturnus vulgaris* (3 pairs), black redstart *Phoenicurus ochruros* (1 pair); 2) destruction of nests of species, i.e.: barn swallow *Hirundo rustica* (3 nests), common house martin *Delichon urbicum* (15 nests), common starling *Sturnus vulgaris* (1 nest), black redstart *Phoenicurus ochruros* (1 nest), on plots with registration numbers: 62, 64, 2/1 locality Stare Miasto and 394/57, 346/11, 345/3, 345/1, 345/2, 344, 268/2, 347, 348/1, 349, 350, 394 / 36, 394/39, 394/40, 394/42, locality 0004 Śródmieście, the commune of Kostrzyn nad Odrą, Gorzów district, Lubuskie province, 3) destruction of habitats or refuges that are the sites of breeding, rearing, resting, or feeding and destruction of two nests of species from the passerine order **PASSERIFORMES**, located on the maple tree entered on the list of trees for removal under no. 161, growing on plot no. 64, locality 0006 Stare Miasto, the commune of Kostrzyn nad Odrą, Gorzów district, Lubuskie province, **ICHTHYOFAUNA:** intentional, incidental killing, injuring, destruction of habitats or sanctuaries being breeding or feeding areas, and intentionally preventing the access to refuges for the following species: river lamprey *Lampetra fluviatilis* (5 spcs.), white-finned gudgeon *Romanogobio*

albipirmatus (3-5 spcs.), spined loach *Cobitis taenia* (20 spcs.), European weatherfish *Misgurnus fossilis* (5 spcs.), and amur bitterling *Rhodeus amarus* (*Rhodeus sericeus*) (10 spcs.), on plot number 2/1, locality Stare Miasto, the commune of Kostrzyn nad Odrą, Gorzów district, Lubuskie province, in connection with the necessity of carrying out the planned project entitled: "Expansion of national road no. 31 as part of the task titled: "Demolition and construction of the road bridge at 107+211 km of national road no. 31 in Kostrzyn nad Odrą (at 2.45 km of the river Warta) implemented as part of the Odra-Vistula Flood Management Project "Task 1B. 5 Reconstruction of bridges to ensure minimum clearance", in terms of extending the term of the decision, i.e., until 31 March 2025, and to amend the wording of paragraph 2 of the conditions to: "for ichthyofauna, the works must be carried out outside of the spawning and spawn incubation season, i.e. from 1 March to 30 June with the exception of works consisting in the installation and dismantling of sheet piling necessary for the demolition of the existing bridge and the dismantling of the supports of the temporary bridge", given the new date for the planned completion of the contact and the need to continue work on the demolition of the bridge. Attached to the application is a power of attorney for Mr Rafał Chrostowski, dated 20 December 2022, ref. SZ.ROA.0120.38.2022.TM; ichthyologist's opinion, dated 02 February 2023, by Dr Marcin Popiołek; illustrative photos of the longitudinal section with the sheet piling at the existing bridge supports and the location of the temporary bridge supports, and photos.

The Regional Director for Environmental Protection in Gorzów Wielkopolski, by his letter dated 17 March 2023, ref.: WPN-I.6401.130.2023.JK, notified the Applicant about the right of the party to read and comment on the evidence and materials collected before issuing a decision in the matter, pursuant to art. 10 § 1 of the Act of June 14, 1960 – Code of Administrative Procedure. During the course of the proceedings, the party has not exercised this right.

The application notes that the removal of the sheet piling and the supports of the temporary bridge will not be carried out in parallel. It was indicated that both the total width of the watercourse bed at the location of the bridge in question (approximately 150 m), and especially the width of the clearance between the walls to be installed at the supports (between 25 and 31 m), ensures that the planned works will not cause any significant disturbance to the function of the analysed section of the watercourse as potential spawning sites for fish and lampreys or their breeding migration routes. The application stresses that all works interfering with the riverbed will be supervised by a specialist ichthyologist. The installation of the sheet piling will involve driving by a crane located on a barge, at certain points, while the dismantling will involve pulling out the elements founded in the bottom, also by a crane located on a barge. The dismantled components will then be transported by barge to the banks. Both the sheet piling and the supports of the temporary bridge are constructed of metal material and are not filled with any concrete so there will be no risk of unwanted materials entering the river.

In view of the change in the duration of the permit in question, the Authority also changed the deadline for the submission of information on the use of the permit and, in addition to the change in the content of point 2, added that the work must be carried out under the supervision of an ichthyologist.

Pursuant to Article 155 of the Code of Administrative Procedure, a final decision by virtue of which a party has acquired a right may be revoked or amended at any time with the consent of the party by the public administration body that issued it, if specific provisions do not oppose the revocation or amendment of such a decision and the public interest or the legitimate interest of the party supports it.

With the above in mind, I rule as stated.

INSTRUCTION

Pursuant to Article 130(4) of the Code of Administrative Procedure, a decision shall be enforceable before the expiry of the term to lodge an appeal if it is in line with the requests of all parties.

This decision is appealable – pursuant to Article 129(1) and (2) of the Code of Administrative Procedure, a party may appeal to the General Director for Environmental Protection, through the Regional Director for Environmental Protection in Gorzów Wielkopolski, within 14 days of the date the decision was served.

The applicant paid on 02 February 2023 stamp duty in the amount of PLN 41.00 (in words: forty-one zlotys 00/100) to the account of the City Office in Gorzów Wlkp. 44 1020 5402 0000 0302 0325 6575, in accordance with the Appendix part 3 item 46 of the Stamp Duty Act of 16 November 2006. (Journal of Laws 2022.2142 consolidated text) and on 13 March 2023 stamp duty for granting power of attorney in the amount of PLN 17.00 (in words: seventeen 00/100 zlotys) to the account of the City Council in Gorzów Wlkp. 44 1020 5402 0000 0302 0325 6575.

Joanna Kuternozińska

Senior Nature Conservation Specialist



Recipients:

1. Warbud S.A., ul. Domaniewska 32, 02-672 Warsaw
2. To files