



**REGIONAL DIRECTOR
FOR ENVIRONMENT PROTECTION
IN GORZÓW WIELKOPOLSKI**

Gorzów Wlkp., 11 December 2019

WZŚ.420.115.2019.AN



**ENVIRONMENTAL
PERMIT**

Pursuant to Article 71(2)(2), art. 75(1)(1b) and (6), art. 84, art. 85(1) and (2)(2) of the Act of 3 October 2008 on providing information on the environment and its protection, citizen engagement in environmental protection, and environmental impact assessments (consolidated text: Journal of Laws 2018, item 2081 as amended) – hereinafter the EIA Act, pursuant to Article 4(2) and (1) of the Act of 19 July 2019 on providing information on the environment and its protection, citizen engagement in environmental protection, and environmental impact assessments and certain other Acts (Journal of Laws of 2019, item 1712) and Article 104 of the Law of 14 June 1960 – Code of Administrative Procedure (consolidated text: Journal of Laws 2018, item 2096 as amended) – hereinafter the CAP, following the processing of the application of the State Water Management Polish Waters The Regional Water Management Authority in Szczecin, ul. Tama Pomorzańska 13A, 70-030 Szczecin, represented by Krystyna Araszekiewicz, SWECO Consulting Sp. z o. o., ul. I. Łyskowskiego 16, 71-641 Szczecin, to issue an environmental permit of 30 August 2019, reference no.: POPDOW-ZPT.073.12.2019 (received on 02 September 2019),

I hereby conclude

**that there is no need for an environmental impact assessment
for the project titled:**

**Reconstruction of railway line no. 203 from 341.480 km to 342.300 km with demolition,
construction, renovation, reconstruction, and development of railway infrastructure and
infrastructure interfering with the investment, implemented as part of the
Odra-Vistula Flood Management Project "Task 1B.5/3 Reconstruction of a bridge to
ensure a minimum clearance (Railway bridge at 615.1 km of the river Odra in Kostrzyn
nad Odrą)",
implemented by:**

State Water Management Polish Waters
The Regional Water Management Authority in Szczecin
ul. Tama Pomorzańska 13A
70-030 Szczecin,

and, furthermore:

I. I define the following important requirements for using the environment during the project implementation phase:

1. Before construction works related to the reconstruction of the railway bridge at 341.872 km of the railway line no. 203 over Suchodół begin, a temporary fence should be constructed to section off the construction site adjacent to the patches of habitat with the following codes: 91E0* - Willow, poplar, alder, and ash riparian forests (*Salicetum albo-fragilis*, *Populetum albae*, *Alnenion glulinoso-incanae*, alder forests on percolating mires) and 3150 - Oxbow lakes and natural eutrophic water reservoirs with communities of *Nympheion*, *Potamion*, whose patches are located on the south-eastern side of the bridge, to protect them against possible damage.
2. In order to prevent amphibians from entering the construction site, it should be fenced off with herpetological fences in places adjacent to water reservoirs.

II. I state that the project specifications are defined in attachment 1 to this decision and constitute its integral part.

STATEMENT OF REASONS

State Water Management Polish Waters The Regional Water Management Authority in Szczecin ul. Tama Pomorzańska 13A, 70-030 Szczecin, represented by Krystyna Araszkiwicz, SWECO Consulting Sp. z o. o., ul. I. Łyskowskiego 16, 71-641 Szczecin, submitted a request of 30 August 2019 reference number: POPDOW-ZPT. 073.12.2019 to the Regional Director for Environment Protection in Gorzów Wielkopolski to issue an environmental permit for the project titled Reconstruction of railway line no. 203 from 341.480 km to 342.300 km with demolition, construction, renovation, reconstruction, and development of railway infrastructure and infrastructure interfering with the investment, implemented as part of the Odra-Vistula Flood Management Project "Task IB.5/3 Reconstruction of a bridge to ensure a minimum clearance (Railway bridge at 615.1 km of the river Odra in Kostrzyn nad Odrą)", with the following attachments:

- the Project Information Sheet (hereinafter PIS), including its electronic copies,
- a cadastral map,
- a map with the project impact area marked,
- excerpts from the land register,
- power of attorney to act on behalf of the investor,
- proof of payment of stamp duty.

The project that is the subject of the request to issue an environmental permit will consist in the reconstruction of railway line no. 203 Tczew-Kostrzyn from 341.480 to 342.300 km, along with the demolition, construction, renovation, reconstruction, and expansion of railway infrastructure and infrastructure interfering with the investment. The project is directly related to the investment carried out by the manager of the German railway line no. 6078 titled "Demolition of the existing bridges and construction of new bridges on the river Odra and its bypass channel along railway line no. 6078 (number of the railway line on the German side) and railway line no. 203 (number of the railway line on the Polish side)." Raising the gradeline of the railway tracks on the planned border bridge at 615.1 km of the river Odra, which is the result of increasing the bridge clearance above the high navigable water (HNW) level to class Va, i.e. 5.25 m, resulted in a need to adjust the height of track gradeline at the point where it approaches the bridge in Poland. Raising the gradeline affected the scope of the planned reconstruction.

The project will be implemented on plots no. 60, 61, 68/56, 73/10, 1 in 0006 Stare Miasto, the commune of Kostrzyn nad Odrą, Gorzów district, Lubuskie province.

Plot no. 61 is a closed area, within the meaning of art. 2(9) of the Act of 17 May 1989 Geodetic and Cartographic Law (consolidated text: Journal of Laws 2019, item 725 as amended). In accordance with art. 75(1)(1b), the regional director for environment protection is competent to issue an environmental permit for projects implemented in closed areas, and pursuant to paragraph 6 of this provision, in the case of a project implemented in part in a closed area, the environmental permit for the entire project is issued by the regional director for environment protection. In consequence, the authority competent to issue an environmental permit for the planned investment is the Regional Director for Environment Protection in Gorzów Wielkopolski.

The parties to the proceedings were notified of the initiation of proceedings in the case and of their rights by a letter of 5 September 2019.

Pursuant to § 3(2)(2), in conjunction with § 3(1)(58) of the Regulation of the Council of Ministers of 9 November 2010 on projects which may materially affect the environment (consolidated text: Journal of Laws of 2016, item 71), and with §4 of the Regulation of the Council of Ministers of 26 September 2019 on projects which may materially affect the environment (Journal of Laws of 2019, item 1839) and pursuant to art. 59(1)(2) of the EIA Act, the project in question is a project that could potentially materially affect the environment. In accordance with art. 71(2)(2) of the EIA Act, the implementation of a planned project that could potentially have a material impact on the environment is allowed on condition that an environmental permit is obtained, and the permit is issued before the decision referred to in art. 72(1) is obtained and before the notifications referred to in art. 72(1a) are submitted. The environmental permit for the proposed investment is necessary to obtain the building permit.

The obligation to carry out an environmental impact assessment of the planned project or the absence of such obligation may be determined, pursuant to art. 63(1) or (2), by the authority competent to issue the environmental permit, after consulting the authorities referred to in art. 64(1) of the EIA Act.

Given the foregoing, pursuant to art. 64(1)(2) in conjunction with art. 78(1)(2) of the EIA Act, the opinion of the State District Sanitary Inspector in Gorzów Wlkp. was requested by a letter of 5 September 2019.

In the opinion of 20 September 2019 reference no.: NZ.771/65/2019, the sanitary inspection authority did not request an environmental impact assessment of the planned project.

In addition, pursuant to art. 64(1)(4) of the EIA Act in conjunction with art. 397(2) of the Act of 20 July 2017, the Water Law (consolidated text: Journal of Laws of 2018, item 2268 as amended), by letter of 5 September 2019, an opinion was requested from the authority competent to issue a water law permit.

In a letter dated 20 September 2019, ref.: DOK.DOK2.9750.34.1.2019.PK, the Minister of Maritime Economy and Inland Waterways called on the Regional Director for Environment Protection in Gorzów Wielkopolski to obtain additional explanations from the investor regarding the project information sheet. In the light of the above, a letter of 26 September 2019 called for their submission. Appropriate additions were received by the local authority on 10 October 2019.

In a letter dated 11 October 2019, the Regional Director for Environment Protection in Gorzów Wielkopolski once again requested the opinion of the abovementioned cooperating Authorities.

In a letter dated 14 October 2019, ref.: NZ-771/65/2019, the State District Sanitary Inspector in Gorzów Wlkp. maintained his position expressed in the sanitary opinion of 20 September 2019 ref.: NZ.771/65/2019.

In his opinion dated 29 October 2019, ref.: DOK.DOK2.9750.34.1.2019.PK, the Minister of Maritime Economy and Inland Waterways did not state the need for an environmental impact assessment for the planned project.

Pursuant to Article 4(2) of the abovementioned Act of 19 July 2019 on the amendment of the act on providing information on the environment and its protection, citizen engagement in environmental protection, and environmental impact assessments and certain other Acts (Journal of Laws of 2019, item 1712), no decision was issued to refrain from the assessment and provisions in the wording of the abovementioned amendment act were applied.

Information about the request for issuing an environmental permit for the project and about the information sheet and the additions to it has been entered into the publicly available list of data kept pursuant to art. 22(1) of the EIA Act, under numbers 1003/2019, 1004/2019, and 1122/2019.

The area along the rebuilt section of railway line no. 203, from the railway bridge on the river Warta to the railway bridge on the river Odra and its vicinity are areas with varied use, and thus with a variety of vegetation. There are areas of land transformed by humans: allotments, roads, railway embankments, fragments of the Kostrzyn Fortress walls, artificial water reservoirs, as well as natural and semi-natural vegetation communities, such as willow trees and shrubs, rushes, oxbow lakes, herbaceous communities, unused meadows. Despite the significant impact of human actions on the land, there are areas of semi-natural phytocoenoses of river valleys.

The investment will mainly affect the environment at the project implementation stage. During the period of demolition and construction works, the impact will be limited to the inconvenience associated with an increased number of trucks supplying construction components and removing waste, as well as the operation of construction equipment and machinery. The inconvenience will be related to the emission of gases and dust into the air and noise caused by the equipment and machinery. There are no areas under acoustic protection in the vicinity of the investment.

The main types of waste generated at the stage of project implementation include waste from group 17 and, to a lesser degree, from groups 8, 13, 15, and 20.

The anticipated potential impact on water during the implementation of the investment is primarily related to the possibility of pollutants entering into the ground and, consequently, through the ground to the underground and surface waters. As part of the planned works, it will be necessary to carry out demolition works, earthworks, and construction works with the use of machinery and mechanical equipment, which creates the risk of water pollution with petroleum substances in the event of fuel or operational fluids leaks. However, this risk can be effectively eliminated by applying the basic principles and good practices in construction works. Therefore, there is no significant risk of surface and groundwater pollution at the implementation stage for the planned project.

The inconvenience related to the project implementation stage will be short-term, insignificant, local, reversible, and limited to the period of construction works.

At the operation stage, the environmental impact of the investment will be related to rail traffic on railway line no. 203.

Rail vehicles travelling along the railway line, i.e. passenger and freight trains, will be the source of noise in the area of the railway line. The main impact of noise will, however, result from the activity and operation of the entire railway line, not only the 820 m of the reconstructed section. In addition, there are no acoustically protected areas in the immediate vicinity of the investment, with the exception of allotment gardens. The remaining protected areas are located approximately 700 m to the east and these are residential and commercial areas. Operation of the project should not lead to exceeding the permissible noise levels in the environment and there is no need to implement additional acoustic protection.

During the operation of the investment, combustion vehicles travelling on the tracks (non-electrified line) will emit air pollutants. The submitted sheet demonstrates that the permissible levels of substances in the air will not be exceeded and that there is no need to take any action to minimize the impact of the project in this respect.

At this stage, the only waste generated will be waste produced in relation to conducted repairs and renovation works.

During the operation of the project, rainwater will be discharged into the environment in an organized manner, and will ultimately be transported via a drainpipe to the ground on wastelands in the floodplain outside the riverbed of the river Odra, on the border of plots 1 and 61 within the 0006 locality.

Considering all the conditions arising where a project is qualified for an environmental impact assessment, laid down in Article 63 of the EIA Act, and having analysed the request for an environmental permit for the planned project and the project information sheet, it has been established that the project is not located in a coastal area, in marine environment, mountain or forest areas, protected areas, including protection zones of water intakes and inland water protection areas, areas where environment quality standards have been or are likely to be exceeded, areas with a significant population density, areas adjacent to lakes, health resorts and health-resort protection areas.

The investment will be implemented:

- within the *Warta River-Mouth PLC080001* Natura 2000 site;
- within the *Warta River-Mouth Landscape Park*;
- 0.65 km from the border of *The Warta River-Mouth National Park*;
- in the area of designated national and international systems of wildlife corridors: *Wetlands of the Warta River-Mouth GKPn -22 and Odra Forests GKPn-28A*;
- in the zone of its potential negative impact on other legally protected species and their habitats, protected by a number of bans and conditions listed in the following regulations of the Minister of the Environment: of 16 December 2016 on the protection of animal species (Journal of Laws of 2016, item 2183), of 9 October 2014 on the protection of plant species (Journal of Laws of 2014, item 1409), of 9 October 2014 on the protection of species of fungi (Journal of Laws of 2014, item 140).

The analysis of:

- the Project Information Sheet;
- standard Natura 2000 data form for the *Warta Mouth PLC080001* site;

- resolution No. XLIII/647/18 of the Assembly of the Lubuskie Province of 26 March 2018 regarding *The Warta River-Mouth Landscape Park* (Journal of Laws of the Lubuskie Province of 2018, item 828);
 - location available on the following websites: <https://www.bdl.lasy.gov.pl/portal/mapy>,
<http://geoserwis.gdos.gov.pl/mapy/>,
<http://mapy.geoportal.gov.pl/imap/>,
<http://mapa.korytarze.pl/>;
 - nature database of the RDOŚ in Gorzów Wlkp.;
 - ecological conditions for maintaining proper passability of wildlife corridors in national and international systems;
- as well as an in-depth examination of direct and indirect effects of the project, especially aspects related to the location, scale, type, characteristics, and conditions of its implementation, referred to in art. 63(1) of the EIA Act, allow to conclude that the planned investment will not have a negative impact on nature, including maintaining the objects of the abovementioned forms of protection in the proper state of protection, in particular:

Bird Refuge and Refuge Habitat Natura 2000 *Warta River-Mouth PLC080001*, i.e. natural habitats and species and their habitats, e.g.: 3150 - Oxbow lakes and natural eutrophic water reservoirs with communities of *Nymphaeion*, *Potamion*, 3270 - Flooded muddy river banks, 6120* - thermophilic inland sandy grasslands (*Koelerion glaucae*), 6210* - Xerothermic grasslands (*Festuco-Brometea* and thermophilic grasslands with *Asplenion septentrionalis-Festucion pallentis*) - only grasslands with significant orchid sites are prioritized, 6430 - Mountain herbs communities (*Adenostilium alliariae*) and riverside herbs communities (*Convolvuletalia sepium*), 6440 - Alluvial meadows of river valleys of the *Cnidion dubii*, 6510 - Lowland hay meadows (*Arrhenatherion elatioris*), 9170 - Galio-Carpinetum oak-hornbeam forests (*Galio-Carpinetum*, *Tilio-Carpinetum*), 91E0* - Willow, poplar, alder, and ash riparian forests (*Salicetum or-fragilis*, *Populetum albae*, *Alnenion glulinoso-incanae*, alder forests on percolating mires) and 1084 - hermit beetle *Osmoderma Hermit*, 1088 - great capricorn beetle *Cerambyx cerdo*, 1130 - asp *Aspius aspius*, 1145 - weatherfish *Misgurnus fossilis*, 1149 - spined loach *Cobitis taenia*, 1308 - barbastelle *Barbastella barbastellus*, 1324 - greater mouse-eared bat *Myotis myotis*, 1337 - Eurasian Beaver *Castor fiber*, 1355 - otter *Lutra lutra*, 5939 - bitterling *Rhodeus sericeus amarus*, 6144 - white-finned gudgeon *Romanogobio albipinnatus*, as well as A023 - Black-crowned night heron *Nycticorax nycticorax*, A027 - great white egret *Egretta alba*, A038 - Whooper swan *Cygnus cygnus*, A039 - taiga bean goose *Anser fabalis* A041 - greater white-fronted goose *Anser albifrons*, A043 - Greylag goose *Anser anser*, A048 - shelduck *Tadorna tadorna*, A050 - widgeon *Anas penelope*, A051 - pintail *Anas streper*, A052 - teal *Anas crecca*, A053 - mallard *Anas platyrhynchos*, A055 - garganey *Anas querquedula*, A056 - northern shoveller *Anas clypeata*, A059 - common pochard *Aythya ferina*, A061 - tufted duck *Aythya fuligula*, A073 - black kite *Milvus migrans*, 075 - white-tailed eagle *Haliaeetus albicilla*, A1 19 - spotted crane *Porzana porzana*, A122 - corncrake *Crex crex*, A125 - coot *Fulica atra*, A127 - crane *Grus grus*, A151 - ruff *Philomachus pugnax*, A153 - snipe *Gallinago gallinago*, A160 - Eurasian curlew *Numenius arquata*, A162 - common redshank *Tringa totanus*, A177 - little gull *Larus minutus*, AA79 - black-headed gull *Larus ridibundus*, A193 - common tern *Sterna hirundo*, A195 - little tern *Sterna albifrons*, A196 - whiskered tern *Chlidonias hybridus*, A197 - black tern *Nigerian Chlidonias*, A198 - White-winged Tern *Chlidonias leucopterus*, A294 - Aquatic Warbler *Acrocephalus paludicola*, A307 - barred warbler *Sylvia nisoria*.

A number of significant threats with respect to the protected objects is listed in the standard data form for this Natura 2000 site: A02 - change of cultivation method, A04.03 - ceasing of pasturage, no pasturage, D01.01- paths, hiking trails,

bicycle routes, DO2.02 - water pipelines, D03.02 - shipping routes, E01.03 - dispersed buildings, E03.01 - disposal of household/recreational facility waste, F02.03 - fishing, F03.01 - hunting, F03.02 - obtaining/removing terrestrial animals, F03.02.03 - capturing, poisoning, poaching, GOI.08 - other types of sport and active leisure, K03.04 - predation. The implementation of the investment in question does not give rise to such threats or a significant increase in their intensity, as it relates to the reconstruction of the existing railway line no. 203, including embankments and two bridges located on land between the river Warta and the river Odra. The nearest identified sites of the above objects of protection are located at a distance of:

- approx. 20 m, code 91E0 * - Willow, poplar, alder, and ash riparian forests (*Salicetum albo-fragilis*, *Populetum albae*, *Alnenion glutinoso-incanae*, alder forests on percolating mires), whose exposed patch on the south-eastern side of the bridge over Suchodół will be marked for protection against possible damage;
- approx. 50 m, code 3150 - Oxbow lakes and natural eutrophic water reservoirs with communities of *Nympheion*, *Potamion*, whose exposed patch on the south-eastern side of the bridge over Suchodół will be marked for protection against possible damage;
- 950 m site of corncrake *Crex crex*.

The location of the project was planned to be partly in the area of *The Warta River-Mouth Landscape Park*, where a number of bans are in force. Pursuant to Article 17(2)(4) of the Nature Conservation Act of 16 April 2004 (consolidated text: Journal of Laws of 2018, item 1614 as amended) - these bans do not apply to the implementation of public purpose investments within the meaning of Article 2(5) of the Act of 27 March 2003 on spatial planning and development (consolidated text: Journal of Laws of 2018, item 1945 as amended), which includes the investment in question.

The reconstruction of the railway line will be conducted within the area of a wide wildlife corridor of national and international importance, i.e. at the junction of the *Wetlands of the Warta River-Mouth GKPn - 22* and *Odra Forests GKPn-28A* corridors (<http://mapa.korytarze.pl/>), which are part of the north-south axis migration route, designated partly in order to maintain the integrity of the Natura 2000 network, which have the width of approximately 700 m in the area in question, while from the western side of the investment their width reaches 600 - 1000 m. The network of wildlife corridors is a remnant of the most important historical routes of animals, plants and mushrooms. Effective protection of the network, i.e. maintaining its proper functioning, guarantees the stability of natural systems.

Keeping the objects of protection of the above forms of protection in the appropriate state of protection is to a large extent synonymous with maintaining the proper biodiversity status of the area affected by the investment. Hence, excluding any likelihood of a significant disturbance in the functioning of habitats and species in the abovementioned Natura 2000 site, *The Warta River-Mouth Landscape Park*, and protected species, it is concluded that its implementation will not have a major negative impact and that the current level of biodiversity will be maintained.

A detailed analysis of the likely changes in the characteristics of the above forms of nature protection, i.e. protection of the *Warta River-Mouth PLC080001* Natura 2000 site, *The Warta River-Mouth Landscape Park*, and the functionality of the *Wetlands of the Warta River-Mouth GKPn - 22* and *Odra Forests GKPn-28A* wildlife corridors, that result, e.g., from the possible reduction of the size of habitat areas, the emergence of permanent disruptions in the functioning of key species, disruption of wildlife corridors, fragmentation and loss of habitats or populations of species, reduction of species density, and changes in key indicators

of protective value, has shown that the project will not significantly affect the abovementioned parameters

The key part of this decision was the recognition that the planned investment: will not have a significant negative impact on the *Warta River-Mouth PLC080001* Natura 2000 site, the integrity of the network of Natura 2000 sites – i.e. the connections between them – will not be compromised, and the prohibitions in force within the area *Warta River-Mouth Landscape Park* will not be breached, as it is a public purpose investment.

In view of the above, it can be concluded that, according to the current state of knowledge on, e.g., the scope, scale, and type of the potential impact of the project, it will not give rise to any significant negative impact on the abovementioned forms of nature protection, including major negative impact that would prevent or hinder the achievement of aims set out in the *Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora*, on the basis of which the *Warta River-Mouth PLC080001* Natura 2000 site was established, and in the *Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds*, on the basis of which the *Warta Mouth PLC080001* Natura 2000 site was established, while also ensuring that an efficiently functioning, ecologically coherent European Natura 2000 Network is maintained.

The planned investment will be carried out on the site of the former Royal Eastern Railway established in 1857. The following monuments are located along railway line no. 203 Tczew-Kostrzyn nad Odrą, in the section from the bridge on the river Warta at 341.375 km to the border bridge on the river Odra at 342.289 km:

- A fragment of the Kostrzyn Fortress entered into the register of monuments by the decision of 18.12.1963 under the register number 639 and by the decision of 2.11.1976 under the register number KOK-I-81/76;
- A railway bridge over the so-called Suchodół from 1926 (plot no. 61, locality 0006 Stare Miasto) included in the provincial records of monuments, not entered in the register of monuments;
- A railway bridge on the river Warta from 1857 (plot 2/1, locality 0006 Stare Miasto) included in the provincial records of monuments, not entered in the register of monuments.

The Kostrzyn Fortress is under legal protection pursuant to art. 7(1) of the Act of 23 July 2003 Old Monuments Law (consolidated text: Journal of Laws 2018, item 2067 as amended). The implementation of the project will require obtaining permits/approvals from the Provincial Heritage Conservation Officer for Lubuskie Province.

The area of the planned undertaking is located in the Odra basin. This task was included in the regulation of the Council of Ministers of 18 October 2016 (Journal of Laws of 2016, item 1967) regarding the update of the Water Management Plan in the Odra river basin and was not included in the Masterplan for the Odra river basin as an investment that may threaten the achievement of environmental objectives for water bodies.

The reconstructed railway line is located in the area of:

- a surface water body (JCWP) named Warta from the Noteć river to the river mouth, code PLRW6000211899, with the status of a heavily modified water body. The condition of the abovementioned JCWP was defined as bad. The environmental objective is to achieve a good ecological potential, the possibility of migration of aquatic life in the section of the important watercourse (the river Odra within the JCWP), and a good chemical condition. The water body is an area designated for the protection of habitats or species referred to in the provisions of the Nature Conservation Act of 16 April 2004 (consolidated text: Journal of Laws of 2018, item 1614 as amended), for the protection of which the maintenance or improvement of water condition is an important factor. Risk of non-achieving the environmental objectives set for this JCWP is at risk, with a derogation –

- extension of the target period until 2027 due to the lack of technical possibilities;
- a surface water body (JCWP) named Odra from the Nysa Łużycka to the Warta river, code RW60002117999, with the status of a heavily modified water body. The condition of the abovementioned JCWP was defined as bad. The environmental objective is to achieve a good ecological potential, the possibility of migration of aquatic life in the section of the important watercourse (the river Odra within the JCWP), and a good chemical condition. The water body is an area designated for the protection of habitats or species referred to in the provisions of the Nature Conservation Act of 16 April 2004 (consolidated text: Journal of Laws of 2018, item 1614 as amended), for the protection of which the maintenance or improvement of water condition is an important factor. Risk of non-achieving the environmental objectives set for this JCWP is at risk, with a derogation – extension of the target period until 2027 due to the lack of technical possibilities;
- a groundwater body (JCWPd) GW600033, with a quantitative status defined as good and chemical condition defined as poor. The environmental objective is a good chemical condition and a good quantitative status. Risk of non-achieving the environmental objectives is at risk with a derogation – extension of the target period due to the lack of technical possibilities. In accordance with the Plan, the JCWPd was designated as a body of water intended for water intake for the purposes of providing water for human consumption;
- a groundwater body (JCWPd) GW600040, with both the quantitative status and chemical condition defined as good. The environmental objective is to maintain a good chemical condition and a good quantitative status. Risk of non-achieving the environmental objectives is not at risk, with no derogations established. In accordance with the Plan, the JCWPd was designated as a body of water intended for water extraction for the purposes of providing water for human consumption.

The project is located outside the areas of the Primary Groundwater Reservoirs.

The investment in question in part passes through areas at a particular risk of flooding covered by the provisions of the Water Law Act of 20 July 2017 (Journal of Laws of 2018, item 2268 as amended). Higher requirements for flood protection and the flow of the Odra are among the reasons for the construction of a new bridge crossing over the railway line, and the planned project is closely related to this investment and is aimed at raising and adjusting the track gradeline at the point where it approaches the bridge.

In the vicinity of the project implementation area there is a direct protection area for the municipal ground water intake located at ul. Graniczna in Kostrzyn nad Odrą, established by the decision of the Head of the Gorzów District of 26 February 2014, ref. no.: BS-OS.6320.2.2013. In accordance with the above document, it is forbidden to use land for purposes not related to the extraction of water in the area of direct protection of the intake (which is properly marked and fenced). The planned works will be carried out in an area currently occupied by a strip of land. Therefore, the planned project will not violate the provisions of the decision of the Head of the Gorzów District.

The planned project works will not be carried out in the Odra and Warta rivers. From the south-west side they will be conducted at a distance of about 100 m from the river Odra, while from the north-east side the construction site will be located about 10 m from the bank of the river Warta. There are no plans to remove the riparian vegetation which constitutes a natural buffer capturing, e.g., suspension flow. In view of the above, and due to the small scale of works in the entire JCW catchment area, the planned activities will not have a significant impact on the biological, hydromorphological

(flow restriction, disruption of the bottom structure and of morphological continuity) and physicochemical elements of water bodies.

The project will also not have a negative impact on the quantitative status and chemical condition of JCWPd. Planned demolition works on foundations will not be a source of emissions of pollutants to soil or groundwater. Sheet piling will be used to shield the works and prevent the inflow of ground water into the excavation. Rainwater from the track will be transported via a drainpipe to the ground on wastelands in the floodplain outside the riverbed of the river Odra, on the border of plots 1 and 61 within the 0006 locality.

Considering the scale and nature of the investment covering the reconstruction of a 820 m section of the railway line, as well as the mitigating measures planned at the implementation and operation stages, it can be concluded that the planned investment will not affect the water condition and will not prevent the achievement of good condition/potential of water. Therefore, the implementation of the project will not affect the achievement of the environmental objectives set out in the Odra River Basin Management Plan. The above was confirmed by the opinion of the Minister of Maritime Economy and Inland Waterways.

No risk of natural or construction disasters is anticipated for the project after its implementation. The project is undertaken due to the need to adapt the track gradeline to the railway bridge on the river Odra, which is in poor technical condition and poses a threat to the environment, including the natural environment. When both projects are implemented, this risk will be neutralized.

Due to its nature, the investment will not cause any climate changes, as it will not produce any greenhouse gases or other substances that may contribute to climate change. The project will be implemented in a manner consistent with all standards applicable for this type of structures. Therefore, possible climate changes should not cause any violation of its structure or difficulties in its functioning.

Direct use of natural resources does not apply to the planned project.

Cumulative impacts may be possible in the implementation period in the event of other investments in the area of the planned project, in particular within the Warta and Odra riverbeds, implemented in the same, or approximately the same period. Planned works within the area of the planned investment include the modernization of the border Odra (reconstruction of the groynes), construction of the Kostrzyn bypass along national road no. 31, demolition and construction of a road bridge along national road no. 31, and a new crossing over national road no. 22. Due to the lack of data on the work schedule and detailed information on the scope of works for these investments, it is impossible to determine the probability of cumulative impacts. However, the scale, nature, and location of the planned reconstruction of the railway line mean that any cumulative impact will not be significant.

The subject investment is not covered by article 248 the Act of 27 April 2001 the Environmental Protection Law (consolidated text: 2019, item 1396 as amended), on plants posing a risk of major industrial accident. There was also no need to establish a restricted use area pursuant to art. 135 of the abovementioned Act.

The project will be implemented at a distance of several hundred meters from the Polish-German border. However, due to the nature and limited scope of the project's impact, no transboundary impact of the project on the environment is expected.

Considering the conditions for the qualification of projects for an environmental impact assessment, referred to in art. 63 of the EIA Act, following an analysis of the application for an environmental permit, the information sheet, and the opinions of the sanitary inspection authority and the authority competent to issue a water law permit, it was found that there was no need to carry out an environmental impact assessment for the project in question.

In point I of this Decision, pursuant to Art. 84(1a) of the EIA Act, important conditions for using the environment at the project implementation stage have been established, aimed at removing or minimizing the impact of the investment on the abovementioned forms of nature protection. The condition set out in point 1.1 will prevent significant negative impact on the protected natural habitats of Natura 2000. Furthermore, the condition set out in point II.2 aims to protect specimens of herpetofauna from being accidentally killed or wounded.

In accordance with Article 84(2) of the EIA Act, point II of the decision states that the project characteristics are set out in Attachment 1 thereto.

Pursuant to art. 10 § 1 of the CAP, by letter of 15 November 2019, the parties to the proceedings were informed that all evidence had been gathered in the case related to the issue of an environmental permit for the analysed project and that they have the possibility of expressing their opinion on the evidence and materials collected within 7 days. Neither party acquainted themselves with the case file as a result of this notification.

With the above in mind and based on the provisions cited at the beginning, I rule as stated.

INSTRUCTION

Parties may appeal to the General Director for Environment Protection, through the Regional Director for Environment Protection in Gorzów Wielkopolski, within 14 days of the date the decision was served.

During the time for submitting the appeal, a Party may waive the right to appeal against the public administration authority which issued the permit. The decision shall become final and binding on the date the public administration authority receives the statement of waiver of the right to appeal from the last of the Parties to the proceedings.



A stamp duty of PLN 205 (in words: two hundred and five zlotys) was paid for issuing this decision on 15 July 2019, to the account of the City Hall in Gorzów Wlkp., account no. 44 1020 5402 0000 0302 0325 5575, in accordance with the Stamp Duty Act of 16 November 2006 (consolidated text: Journal of Laws of 2019, item 1000 as amended) attachment part 1, item 45.

M. 12. 2019 v. ANONIM

Recipients:

1. Krystyna Araszkiwicz - attorney of Sweco Consulting Sp. z o.o.
ul. I. Łyskowskiego, 71-641 Szczecin;
 2. Polskie Koleje Państwowe Spółka Akcyjna
Department of Estates Management in Poznań
Al. Niepodległości 8, 61-875 Poznań;
 3. State Water Management Polish Waters The Regional Water Management
Authority in Szczecin,
ul. Tama Pomorzańska 13A, 70-030 Szczecin.
 4. State Water Management Polish Waters The Regional Water Management
Authority in Poznań
ul. Chlebowa 4/8, 61-003 Poznań;
 5. Municipality of Kostrzyn nad Odrą
ul. Graniczna 2, 66-470 Kostrzyn nad Odrą;
 6. National Support Centre for Agriculture Regional Office in Gorzów Wielkopolski,
ul. Myśliborska 32, 66-400 Gorzów Wlkp.;
 7. To files.
-

Copy to:

1. State District Sanitary Inspector in Gorzów Wlkp.;
2. Minister of Maritime Economy and Inland Waterways.



**REGIONAL DIRECTOR
FOR ENVIRONMENT
PROTECTION
IN GORZÓW WIELKOPOLSKI**

**Attachment 1 to the Environmental Permit
ref. no.: WZŚ.420.115.2019.AN, dated 11 December 2019**

PROJECT SPECIFICATION

The subject of the investment is the reconstruction of railway line no. 203 Tczew-Kostrzyn (due to the need to adapt it to the reconstructed border railway bridge at 615.1 km of the river Odra) along with the demolition, construction, renovation, reconstruction, and expansion of railway infrastructure and infrastructure interfering with the planned project. The planned works will be carried out in an area currently occupied by a strip of land. The project will concern a section of railway line no. 203 from 341.480 km to 342.300 km, i.e. between the western abutment of the railway bridge on the river Warta and the eastern abutment of the proposed border railway bridge on the Odra River. In this section, apart from the railway embankment, there are 2 engineering structures: a bridge over Suchodół at 341.872 km and a viaduct over ul. Górzyńska at 342.175 km.

The project will cover an area of approx. 3 ha, while the investment itself is a reconstruction of an approx. 820 m section of the track system.

The scope of works is as follows:

- reconstruction of the internal road - ul. Górzyńska, to the extent required by the construction of a new viaduct,
- construction of drainage system elements,
- Relocating and securing the existing ducts built in the track outside the surface works area,
- demolition of the existing track surface, expanding and forming railway embankment slopes,
- laying a geotextile layer on the entire width of the track,
- construction of a new track surface,
- construction of transition rails behind the bridge structure on the river Odra,
- installation of signalling and train control devices and cables,
- track tamping and adjustment, adding crushed stone and forming embankment slopes,
- reconstruction of the railway bridge at 341.872 km of railway line no. 203 over Suchodół to adapt it to the designed gradeline and the applicable regulations,
- demolition of the existing railway viaduct and construction of a new one at 342.175 km of railway line no. 203 over ul. Górzyńska, adapted to the planned gradeline.



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11.12.2019 : *ANawasz*

