



Date 08.05.2020

Zielona Góra, 4 May 2020

No ZPT.OM.65.2020 Signature *K. Araszkiewicz*

DW.I.7131.19.2020

## DECISION

Pursuant to Article 104 of the Code of Administrative Procedure Act of 14 June 1960 (consolidated text: (Journal of Laws of 2018 item 2096, as amended), in conjunction with Article 9a(1) and (3) of the Hunting Law Act of 13 October 1995 (consolidated text: (Journal of Laws of 2020, item 67) and § 1(1)(2s) of the Regulation of the Minister of the Environment of 11 March 2005 on establishing the list of prey species (Journal of Laws of 2005, No. 45, items 433 and 434), having examined the application of 27 February 2020, ref.: POPDOW-ZPT.073.9.2020 submitted by Ms. Krystyna Araszkiewicz Sweco Consulting Sp. z o.o., ul. Łyskowskiego 16, 71-641 Szczecin, acting under the power of attorney granted by State Water Management Polish Waters The Regional Water Management Authority in Szczecin, ul. Tama Pomorzańska 13A 70-030 Szczecin, taking into account the opinion of 23 March 2020, ref.: No. 279/2020 of the District Board of the Polish Hunting Association in Gorzów Wielkopolski,

### I hereby allow

State Water Management Polish Waters The Regional Water Management Authority in Szczecin ul. Tama Pomorzańska 13A, 70-030 Szczecin, represented by Ms. Krystyna Araszkiewicz Sweco Consulting Sp. z o.o., ul. Łyskowskiego 16, 71-641 Szczecin for the activities of flushing prey animals of the species: mallard (*Anas platyrhynchos*), gray goose (*Anser anser*), wood pigeon (*Columba palumbus*), pheasant (*Phasianus colchicus*), coot (*Fulica atra*), wild boar (*Sus scrofa*), fox (*Vulpes vulpes*), roe deer (*Capreolus capreolus*), on account of the intention to carry out the planned project entitled: "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 the infrastructure interfering with the investment, implemented within the Odra-Vistula Flood Management Project - Task 1B.5/3 Reconstruction of a bridge to provide a minimum clearance (Railway bridge at 615.1 km of the Oder river in Kostrzyn nad Odrą)"

1. The activities of flushing prey animals will take place in the Gorzów County, Kostrzyn nad Odrą municipality, Stare Miasto locality, registered plots: 60, 61, 68/56, 73/10, 1.
2. The investor or the investor's representative shall notify the issuing authority of the date of commencement of the investment in writing, no later than 14 days before the investment starts.

3. In the course of investment implementation, disturbance will take place due to the presence of people participating in the investment process and noise: movement of heavy equipment and machinery, operation of equipment directly related to the conducted works.
4. In the event of any damage caused as a result of flushing prey animals, the injured party may file claims against the investor in the course of civil law proceedings including referring the case to a competent common court.
5. To assess the implementation conditions resulting from the need to protect populations of game species and their habitats, possible negative impact or minimisation of the impact of investment on game species, creating conditions for the safe existence of game:
  - a) in the area of investment implementation (Article 9 a (3)(4) of the Hunting Law Act), supervision over the flushing of prey animals is entrusted to the Dębno Forest Inspectorate,
  - b) the investor will appoint an environmental supervision team who will assess prey animal habitats before the investment begins and after its completion and, additionally, if it is necessary to perform assessment at the request of the body issuing the permit on the basis of inspection activities.
6. The following persons will be authorized to carry out inspections of the issued permit:
  - a) Dębno Forest Inspector,
  - b) Authorized employees of the Office of the Marshal of the Lubuskie Province.
7. The recipient of the permit is obliged to immediately notify the issuing authority in the event of its early use.
8. The permit holder will submit a report to the permit issuer within 30 days of its expiry.
9. In order to ensure the correct use of the permit for a derogation from the ban on flushing prey animals, the Marshal of the Lubuskie Province will verify whether the conditions set out in the permit issued are complied with and in the event of non-compliance, will revoke the permit (Article 9 a (4) in conjunction with Article 44 (12) of the Hunting Law Act).
10. **The permit is valid from 1 June 2021 to 31 May 2023.**

### **Justification**

Based on the opinion of 23 March 2020 (ref. No. 279/2020 of the District Board of the Polish Hunting Association in Gorzów Wielkopolski and in accordance with Article 107 of the Code of Administrative

Conduct, no justification will be provided with the decision to authorize derogation from the prohibition to flush prey animals on the ground that it takes into account the entire request of the applicant.

### Instruction

Parties may appeal against the permit to the Self-government Appeals Court in Zielona Góra through my office, within 14 days of the date of permit receipt.

Pursuant to Article 127 a of the Code of Administrative Procedure, I inform you that a party may waive the right to appeal against the authority that has issued a decision, and that the decision shall become final and binding on the date the authority receives the decision on waiver of the right to appeal from the last of the parties to the proceedings.



WARSZATA WOJEWÓDZTWA  
Tomczyszyn  
WICEMARSZAŁEK

#### Recipients:

1. Krystyna Araszkiwicz Sweco Consulting Sp. z o.o.  
ul. Łyskowskiego 16,71-641 Szczecin
2. State Water Management Polish Waters  
The Regional Water Management Authority in Szczecin  
ul. Tama Pomorzańska 13A, 70-030 Szczecin
3. file

#### Copy to:

1. District Board of the Polish Hunting Association in Gorzów Wielkopolski,  
ul. Kosynierów Gdyńskich 20 G, 66-400 Gorzów Wlkp.
2. Regional Directorate of State Forests in Szczecin,  
ul. Juliusza Słowackiego 2, 71 -434 Szczecin
3. Dębno Forest Inspectorate  
ul. Raclawicka 33, 74-400 Dębno
4. Mayor of the city of Kostrzyn nad Odrą  
ul. Graniczna 2, 66-470 Kostrzyn nad Odrą

- the stamp duty for issuance of the decision, in the amount of PLN 82.00, was paid on 27 February 2020 to the account of the Zielona Góra City Hall, with the following title: "opłata skarbową za wydanie decyzji derogacyjnej. Zadanie 1B.5/3",
- the stamp duty for the power of attorney in the case, in the amount of PLN 17.00, was paid on 27 February 2020 to the account of the Zielona Góra City Hall, with the following title: "opłata skarbową za pełnomocnictwo - decyzja derogacyjna - gat. Łowne Zadanie 1B.5/3",
- The above is in accordance with the Act of 16 November 2006 on stamp duty (consolidated text (Journal Laws of 2019, item 1000, as amended), an attachment to the act art. 1(1)(1c), part III No. 44 point 2 - permission other than those listed in this attachment (permit, concession): others and art. 1(1)(2) part IV.



Registration date / signature

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