



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

Gorzów Wlkp., 26 May 2020



Date 1.06.2020

WPN-I.6400.17.2020.KS

DECISION

No. ZPT.011.91.20 Signatu
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Pursuant to the Art. 104 § 1 of the Act of June 14, 1960 – Code of Administrative Procedure (Journal of Laws 2020, item 256, as amended) and Art. 56 clause 2 point 2 and clause 4 points 3 and 6, in conjunction with the Art. 51 clause 1 points 1, 3, 6, 7, 10 and 11 of the Nature Conservation Act of April 16, 2004 (consolidated text: Journal of Laws of 2020, item 55) and § 6 clause 1 points 1, 3, 4, 5, 8 and (9) of the Regulation of the Minister of Environment of October 9, 2014, on conservation of plant species (Journal of Laws of 2014, item 1409,) having examined the request filed by Ms Krystyna Araszkiwicz of Sweco Consulting Sp. z o.o., ul. Łyskowskiego 16, 71-641 Szczecin, dated April 2, 2020, ref.: POPDOW-ZPT.070.2.2020 (received on April 3 and 7, 2020,) who has the power of attorney granted by the State Water Management Polish Waters, Regional Water Management Board in Szczecin, ul. Tama Pomorzańska 13A, 70-030 Szczecin (power of attorney no.: SZ.ROO.012.98.2019.MG dated May 28, 2019,) supplemented with the letter of April 30, 2020, ref.: POPDOW-ZPT.070.2.1.2020 (received on May 5, 2020) for granting a permit for certain activities prohibited for plant species subject to strict species protection,

I. hereby grant permit

to the State Water Management Polish Waters The Regional Water Management Board in Szczecin, ul. Tama Pomorzańska 13A, 70-030 Szczecin, to perform the following activities in relation to plant species subject to strict species protection, i.e.:

- 1) deliberate destruction of habitats, collection and deliberate movement in the natural environment of the species, i.e. water caltrop *Trapa natans* (1 habitat,) located in the bay between spurs south of Słubice, at approx. 581.1 km, on the plot with land registry number 792/5, surveying district 0010 Świecko, Słubice municipality, Słubice county, Lubuskie Province, by transferring the specimens from their current habitat to an alternative habitat, outside the area of the works;

- 2) deliberate destruction of specimens and habitats of a specie, i.e. floating fern *Salvinia natans* (scattered habitats,) located along the entire inventoried section of the right-bank waters of the Odra River, in the area nearby Słubice, and on the section of the Odra River between Owczary and Kostrzyn nad Odrą, in the bays of the Odra River between regulatory spurs, on plots with land registry numbers: 792/5, 792/6, 792/3, surveying district 0010 Świecko, Słubice municipality, Słubice county, Lubuskie Province and 43/3, surveying district 0001, Słubice city, Słubice county, Lubuskie Province (581.0 - 585.7 km,) 626, 621, 363, 183, 38, 39/4, 1, 2/5, surveying district 0001 Górzycza, Górzycza municipality, Słubice county, Lubuskie Province, 1, surveying district 0006 Stare Miasto, Kostrzyn nad Odrą municipality, Gorzów county, Lubuskie Province (604.0 - 605.0 km, 613.1 - 614.7 km);
- 3) deliberate destruction of specimens, destruction of their habitats, collection, retention or possession and deliberate movement in the natural environment of the species, i.e. strapwort *Corrigiola litoralis* (1 habitat,) located in the Odra River flood terrace north of the bridge in Słubice, spurs 8/585 - 8/586 - natural habitat 3270, on the plots with land registry numbers: 43/2 (Odra River together with its riverbank zone) and 43/3 (riverbank zone,) surveying district 0001, Słubice city, Słubice county, Lubuskie Province (584.6 - 585.4 km) by transferring the specimens from their current habitat outside the area of the works, to the substitute cultivation place, and reintroduction of the seeds from the cultivation place to the areas in the Odra Valley;
- 4) deliberate introduction into the natural environment of a specie: Fringed water lily *Nymphoides peltata* (6 habitats related with metaplantation);

with the following conditions:

- activities covered by this permit will be carried out with environmental supervision;
- the abovementioned plant species will be moved and introduced into locations, where there are habitats and ecological conditions appropriate for a given specie;
- the activities will be carried out within the boundaries of Lubuskie Province,

in conjunction with the investment project entitled: “*Modernization works on boundary sections of Odra River, Stage I to provide Good Condition for Ice–breaking.*”

This permit is valid from March 1, 2021 to February 28, 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 January 31 in the years 2022-2023, and until March 31, 2023.** The report must refer the number of this decision.

II. I hereby discontinue

the proceedings for the decision in the part concerning the destruction of habitats the specie, i.e. fringed water lily *Nymphoides peltata*, on the ground that its objective does not occur.

EXPLANATORY STATEMENT

By the letter dated 02 April 2020, ref.: POPDOW-ZPT.070.2.2020 (received on April 3 and 7, 2020) supplemented with the letter of April 30, 2020, ref.: POPDOW-ZPT.070.2.1.2020 (received on May 5, 2020,) Ms Krystyna Araszkiwicz of Sweco Consulting Sp. z o.o., ul. Łyskowskiego 16, 71-641 Szczecin, who has the power of attorney granted by the State Water Management Polish Waters, Regional Water Management Authority in Szczecin, ul. Tama Pomorzańska 13A, 70-030 Szczecin (power of attorney No.: SZ.ROO.012.98.2019.MG of May 28, 2019,) applied to the Regional Director for Environmental Protection in Gorzów Wielkopolski for a permit for deliberate destruction of habitats, collection and deliberate movement in the natural environment of the species, i.e. water caltrop *Trapa natans* (1 habitat,) located in the bay between spurs south of Słubice, at approx. 581.1 km, on the plot with land registry number 792/5, surveying district 10, Słubice municipality, by transferring (pushing) the specimens from their current habitat to an outside the area of the works; deliberate destruction and destruction of habitats of the specie, i.e. floating fern *Salvinia natans* (scattered sites) located along the entire inventoried section of the right bank waters of the Odra River, in the area nearby Słubice, and in the section of the Odra River between Owczary and Kostrzyn nad Odrą, in the corners of the Odra River between the regulatory spurs, on the plots No.: 792/5 (Odra River,) 792/6, 792/3, surveying district 10, Słubice municipality, 43/3, surveying district 1, Słubice municipality (581,0 - 585,7 km,) 626, 621, 363, 183, 38, 39/4, 1, 2/5, surveying district 1, Górzycza municipality, 1, surveying district 6, Kostrzyn nad Odrą municipality (604.0 - 605,0 km, 613,1 - 614,7 km); deliberate destruction of specimens, destruction of their habitats, collection, keeping or possession and deliberate movement in the natural environment of the species, i.e. strapwort *Corrigiola litoralis* (1 habitat,) located in the Odra River flood terrace north of the bridge in Słubice, spurs 8/585 - 8/586 - natural habitat 3270, on the plots with land registry numbers 43/2 (Odra River along with its riverbank zone) and 43/3 (riverbank zone,) surveying district 1, Słubice municipality (habitats at approx. 584.6 - 585.4 km) by transferring the specimens from their current habitat outside the area of the works, to the substitute cultivation place, and reintroduction of the seeds from the cultivation place to the areas in the Odra Valley, deliberate introduction into the natural environment of a specie: Fringed water lily *Nymphoides peltata* (6 habitats related with metaplantation) in connection with the implementation of the project entitled: "1B.2 Stage I and Stage II Modernization works on boundary sections of Odra River as part of the Odra-Vistula Flood Management Project" from 03.2021 to 02.2023.

The Regional Director for Environmental Protection in Gorzów Wielkopolski, by his

letter dated May 8, 2020, ref.: WPN-I.6401.136.2020.KS, 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. In the course of the proceedings, the party did not exercise that right and did not file any comments regarding the case.

Pursuant to the Appendix No. 1 to the Regulation of the Minister of the Environment of October 9, 2014, on the conservation of plant species, floating fern *Salvinia natans*, water caltrop *Trapa natans*, strapwort *Corrigiola litoralis* and fringed water lily *Nymphoides peltata* are under strict species protection.

Wild plants, in accordance with the Art. 51 clause 1 points 1, 3, 6, 7, 10 and 11 of the Nature Conservation Act of April 16, 2004, are protected against their deliberate destruction, destruction of their habitats or sanctuaries, collection or harvesting, keeping or possessing specimens of the species, deliberate movement in the natural environment and deliberate introduction into the natural environment. The foregoing has been specified in § 6 clause 1 points 3, 4, 5, 8 and 9 of the abovementioned Regulation.

In the light of Art. 5 point 18 of the Nature Conservation Act, a habitat of plants, animals or fungi shall be defined as an area where such plants, animals or fungi exist throughout their life or at any stage of growth. In the case at hand, the works related to the implementation of the abovementioned investment project qualify as destruction of the habitats of the protected plant species, and thus as an infringement of the prohibition referred to in the Art. 51 clause 1 point 3 of the Nature Conservation Act. Pursuant to the Art. 56 clause 2 point 2 of the above cited Act, such works may only be carried out upon approval by the Regional Director for Environmental Protection. Therefore, the implementation of the investment requires a permit from the Regional Director for Environmental Protection in Gorzów Wielkopolski, granted pursuant to art. 56 clause 2 point 2 of the Nature Conservation Act, for waving the prohibitions referred to in the Art. 51 clause 1.

Based on the Art. 56 clause 2 points 1 and 2 of the Nature Conservation Act, the regional director for environmental protection in the area of his/her activity may issue a permit in relation to wild species of protected animals for activities subject to the prohibitions specified in the Art. 52 clause 1 in the absence of alternative solutions, if it does not cause a threat to wild populations of protected species and in the event of the occurrence of one of the conditions specified in the Art. 56 clause 4 points 1-7 of the cited Act.

While analysing this case, it has been noted, that the area indicated by the Applicant has the status of the Natura 2000: The middle Odra Valley PLB080004, Słubickie floodmeadows PLH080013 and Warta River Mouth PLC080001. In the analysed area there is also a landscape park by the name of “Ujście Warty”, referred to in the Art. 6 clause 1 point 3 of the cited Nature Conservation Act.

With regard to the proposed activity destroying the habitats of fringed water lily

Nymphoides peltata, the Applicant pointed out that due to the occurrence on the Odra River of habitat conditions appropriate for this specie, the section planned to be included in the modernization works was regarded as a place of potential occurrence of the abovementioned specie, and thus as its habitat, however, with no inventoried habitats of the specie at the sections of JCWP Odra from Nysa Łużycka River to Warta River. In view of the above, our Office has considered that there will be no destruction of the habitats of the fringed water lily *Nymphoides peltata*, as at the application stage this specie was not identified and inventoried in the where the works will take place, which confirms the submitted documentation. The Applicant has only pointed out that the area covered by the works has been regarded as a place of potential occurrence of the specie in question. Therefore, there are no grounds to conclude that the abovementioned specie will be actually destroyed during the implementation of the investment project. Furthermore, a derogation of the prohibitions on protected species is granted when the species is actually found in a designated area, but not as a precautionary measure. If the abovementioned specie is found in the area at the time of commencement of the works, then there should be an application submitted for a derogation from the prohibitions. Given the foregoing, and pursuant to the Art. 105 § 1 of the Code of Administrative Procedure, our Office has discontinued the proceedings in the part pertaining the permit for the derogation from the prohibitions on the destruction of habitats fringed water lily *Nymphoides peltata*, as it has no merits.

According to the information provided in the request, the implementation of the proposed measures is linked to the planned undertaking to carry out the modernization works on boundary sections of Odra River, stage I to provide good condition for ice-breaking as part of the Odra-Vistula Flood Management Project (OVFMP). According to the information contained in the application, the objective of the OVFMP implementation is to increase flood protection for persons living in the selected areas of the Odra River and Upper Vistula River basins, and to institutionally strengthen the government administration capacity to deal more effectively with summer, winter, and flash floods. The Applicant indicated that the planned investments within the scope of the project are included in the sectoral planning document, which sets the framework for the implementation of tasks aimed at limiting the risk of flooding, i.e. in the Flood Risk Management Plan for the area of the Odra basin (PZRP for the Odra basin). The applicant also pointed out that in the PZRP activities within the scope of modernization and reconstruction of the regulatory structures on boundary sections of Odra River, stage I to provide good condition for ice-breaking, are part of the package of flood control measures in the problem “blockage” area (Hot spot). According to the information contained in the application, at the stage of preparation of the PZRP, and before its adoption by means of a regulation of the RM, the draft PZRP was subjected to a strategic environmental impact assessment procedure. In addition, the planned project, including the commencement and implementation of the modernization and repair activities of the existing regulatory structures, in accordance with the agreed on with the German Party concept of regulation of boundary sections of Odra River watercourse in the most

limiting spots, falls within the scope of short-term activities specified in the “*Assumptions for the development of inland waterways in Poland for 2016-2020 with a perspective to 2030.*” The Applicant pointed out that the sections of the river planned for reconstruction under the project in question will be part of the implementation of the provisions of “*the Polish-German agreement on joint efforts to improve the condition of waterways on the Polish-German border (flood protection, flow and shipping conditions,*” under which a comprehensive reconstruction of the regulatory structures of boundary section of the Odra river, with a total length of approx. 95km, has been planned. The applicant also indicated that the Polish-German agreement defines the so-called limiting spots, i.e. places on the boundary Odra River section, where the regulatory structures need to be modernised. The works included in this project are divided into 2 stages: STAGE I – Modernization works on boundary sections of Odra River to provide Good Condition for Ice-breaking, and STAGE II – Modernization of regulatory structures on boundary sections of Odra River. The Applicant stated that, in total, as part of Stages I and II, it is planned to regulate, reconstruct and demolish the regulatory structures within a section of the Odra River long for about 54.4 km, which means a modernization of about 58% (54.4 km out of 94.4 km) of the limiting spots listed in the Polish-German agreement. The Applicant also stressed that within the planned modernization there are planned works related to the demolition and reconstruction of the existing spurs and the construction of new ones, demolition of the existing longitudinal dams and the construction of new dams, and demolition of the existing revetments and river walls and construction of new ones. As part of the abovementioned works, it may be necessary to reconstruct fragments of existing longitudinal dams, revetments, and river walls in places where new structures meet the existing ones. The Applicant also pointed out that, in view of the above, it is necessary to perform the requested activities, and there is no possibility to use alternative solutions. The project at hand will be carried out using all methods, which help to minimise its impact on plant life and natural habitats, and if it is necessary to destroy specimens of protected species, a form of compensation will be implemented (metaplantation of the fringed water lily and optionally strapwort), and the works will not be detrimental to the conservation status of the wild populations of plant species, due to the scope of works within the investment project. According to the information contained in the application, over the years there has been an increased tendency to create shallows and steadily deteriorate the depth of the ship navigation route, which also affects the flow profile of large waters. The existing condition is the result of both negligence in performing the dredging works as well as the above-mentioned poor condition of the regulatory structures. The Applicant has indicated that leaving such a state cannot be accepted, in particular from the point of view of water management, as it poses a significant threat or impediment to ice breaking and ice removal operations, and thus hinders flood protection along the Odra River. Failure to reduce the occurrence of flooding caused by ice blockage will lead to the possibility of catastrophic events. Moreover, this situation hinders inland waterway transport. Maintaining the spurs in good condition may contribute to maintaining the biodiversity of the

regulated river, which the Odra River is. As part of the development of the project for the reconstruction of spurs, the principle of not disturbing the spur lands was adopted. The works will include changing of the profiles of existing spurs. On the other hand, the changes that may occur if the regulatory work on the Odra River is completely discontinued and the river is left to gradual spontaneous renaturalization, the river will take over the occupied developed and built-up areas in the river valley, and the total loss of its function as a waterway, which is unacceptable for social and economic reasons. The material scope of the task includes the reconstruction of 60 of the existing spurs, by cleaning the spurs from vegetation, dismantling the pavement to the SNW level (medium low water), laying geotextile on the existing spur slope and backfill with hydrotechnical stone; demolition of 18 of the existing spurs, by cleaning the spurs from vegetation, dismantling the spurs' structures; construction of one new longitudinal dam with a total length of approx. 1,506.00m, by laying fascine mattresses on the bottom, backfill with hydrotechnical stone and profiling the slopes; reconstruction of fragments of existing revetments, longitudinal dams, river wall in places of their contact with the new or rebuilt structures. In accordance with the information contained in the application, the works are planned within Słubice municipality (at 581.0 - 585.7 km section of the river,) and include construction and reconstruction of spurs, longitudinal dam and revetments. Most of the works will be carried out in an undeveloped area. The spurs covered by the planned activities are located both in the undeveloped and built-up areas, i.e. the town of Słubice. In the north-western part of the town, works will be carried out in order to build a longitudinal dam and revetment. The demolition of existing river control structures is also planned. In the Górzycza municipality (604.0 - 605.0 and 613.1 - 614.3 km sections of the river,) the planned works will include construction of spurs and a longitudinal dam (located on the border between the municipality of Górzycza and Kostrzyn nad Odrą). The works will be carried out almost entirely in an undeveloped area. Only the section where the longitudinal dam is planned (613.1 - 614.5 km) is located nearby partially built-up areas. In the Kostrzyn nad Odrą municipality (614.3 - 614.7 km section of the river), the planned works will include construction of spurs and a longitudinal dam, and the accompanying dredging operation (if required). Most of the works will be carried out in an undeveloped area. The section where the longitudinal dam and some of the spurs are planned (613.1 - 615.2 km of the river) is a partially built-up area. According to the information contained in the application, the works are planned to be executed from the water side, transport of broken stone by water, transport of fascine by land and water. Therefore, at the stage of construction, any changes in the area will take place only within construction sites, including the constructed and reconstructed regulatory structures, while the principle of least possible interference in the existing regulatory structures was during the design stage of the reconstruction. Works carried out at the coming stage may cause destruction and damage to some of the aquatic and riverbank plants. This applies in particular to patches located in close proximity and in the immediate vicinity of renovated and rebuilt spurs. In the places of the planned construction of new revetments, river walls and spurs,

it will be necessary to profile the riverbank slope. The very construction of new revetments, river walls and spurs will lead to the creation of new structures on the land surface: in the riverbed (spurs) and in the riverbank part. It is also assumed that new longitudinal dams will be constructed, the location of which will affect changes in the land surface, i.e. creation of new elements in the riverbed. Reconstruction of the existing regulatory structures will also involve the use of the land surface. Embankments will be raised to the ordinate of the designed crown of the structure, it is planned to execute completely new heads of the structure in order to unify the inclination towards the current of all new and rebuilt structures of this type. In addition, the rebuilt spurs will be adapted to the regulatory line by their extension or shortening. On the other hand, the adjustment to the regulatory ordinate will mean raising or lowering of the ordinate of a spur crown. The Applicant has indicated that the basic assumption for the implementation of the project concerns the execution of works from the side of the water while using, among others, pontoons equipped with anchor piles, barges of adequate capacity, etc. Occasionally, situations may occur that prevent the execution of specific works from the water side. Then the works will be performed from the land side. The Applicant also pointed out, that one of the objectives of the project, as indicated above, is the implementation of investment project from the water side while using, among others, pontoons equipped with anchor piles, barges of adequate capacity, etc. However, occasionally, situations may occur, which will prevent the execution of specific works from the water side. In such a situation, it may be necessary to arrange an access route from the land side. Whenever it will be possible to use public roads, e.g. municipal or county roads, they will be used first. If access roads have to be laid out, they will be planned in such a way, that their location will not entail the necessity of cutting down trees or shrubs, in particular those constituting, i.a., natural habitats, habitats of protected animal and plant species and wild game species. At the same time, it should be indicated, that the selection of sites for temporary storage and access routes will be consulted and accepted by the environmental supervision, immediately prior to the works commencement, due to the status of water being dynamic and, consequently, varying occupation of the area by species of animals and plants. In accordance with the information contained in the application, the execution of modernization works on the boundary sections of the Odra river will require conducting them simultaneously within several separate sections. Amenities will be required for workers employed on particular sections of the works. Ship crews and equipment operators will be provided with amenities on the vessels where they work. Other employees will use amenities on a houseboat (floating hotel) or a floating pontoon (e.g. W-Z type) equipped with a set of proper containers. Taking into account the specifics of the project in question, its linear nature, as well as the assumption of implementation from the water side, there are also plans to organize floating welfare facilities in order to minimise interference in the land part. This solution enables efficient transport of facilities closer to the work site, and also protects against flooding with high waters. The implementation stage will involve short-term noise emission during the periodic use of machines and equipment necessary for construction

works. The emitted noise will be intermittent, and its intensity will vary at different stages of works, depending on their course and the use of specific machines and equipment. The works will be carried out during the day. Noise emissions will not affect the protected plant species. The Applicant has indicated, that the works will be intensified in time, in order to minimize the disruption of the environmental corridors, i.e. the works would be carried out efficiently and as quickly as possible, with the exception of periods when natural conditions will prevent it. Furthermore, the investment project will be implemented on approx. 15% of the length of the boundary Odra River (Stage I), while the remaining part will not be changed, as well as the floodplains in the vicinity of the river, offering much richer sources of nourishment. The loss of habitats and damages to vegetation will be further reduced due to the fact, that the renovation of spurs on the Polish and German side will not be carried out at the same time, therefore at one time only the half of the habitats will be changed along the aforementioned 15% of the river. According to the information contained in the application, once the project is completed, the use of the land will not change compared to the present condition, both on land and in the water. The functioning of the reconstructed regulatory structures will not significantly affect the current hydrological regime of the river, i.e. it will have no impact and will not change the watercourse, the size of the water supply to the water bed the volume of flow in the river, and thus, indirectly, on the species of protected plants the application concerns. The regulation of the river will not affect the hydrological system of the Odra River, which depends on the conditions of supply and drainage from the river basin. The Applicant has indicated that the project is planned to be implemented in order to improve the condition for ice-breaking on the boundary Odra River. The Applicant also noted that compensatory measures were proposed for the fringed water lily *Nymphoides peltata*, i.e. launching a metaplantation. Before commencing the works, there should be selected location for the metaplantation, specified time of the works and determined selection of the material to be replanted. A detailed methodology will be developed for the fringed water lily metaplantation, which will be adapted to the ecological conditions of the reconstructed section of the river, which prevail in the year the metaplantation will be set up. This methodology will include: methods for collecting the material intended for restitution, safety rules during the collection and transportation of the material, number of specimens in the created habitat, system and technique of the introduction, time coordination of replanting, planned activities after replanting. Due to the fact that the fringed water lily is not present at the JCWP Odra from Nysa Łużycka to the Warta River, the selection of new location will be made while taking into account the potential locations within this JCWP. This will increase the range of occurrence of the fringed water lily and, in addition, provide reproductive material to be carried down the river. The replanting (transfer) of vegetation will be carried out at the beginning of the growing season by excavating plants, placing them in containers with river water, transporting them to new sites and planting them in fields between river spurs on the same day. Whole phytocenosis systems will be transferred (replanted,) i.e. submerged plants co-existing with patches of plants with floating

leaves. The number of planting locations will depend on the size of the plant patches at risk. Monitoring of the restoration of the transferred patches is planned after 1 year and 3 years following the completion of the works (patches >10 m² transferred together with fauna on the plants). To protect vegetation not at risk of mechanical damage, the investment project works on spurs nearby the habitats of the fringed water lily will be carried out after the growing period, in October-November. With regard to the strapwort *Corrigiola litoralis*, namely identification of the works (with specifying their location), that will interfere with the natural habitat 3270, it should be noted that due to the significant spatial and seasonal variability of this habitat (this is evidenced, among others, by differences in the inventories from 2017 and 2018, where the 2017 summer was characterized by abundant and frequent precipitation, while the 2018 summer by prolonged heat and drought periods) is problematic. It is crucial to preserve the ecological conditions enabling the formation of the habitat in a non-deteriorated way. The analysis shows that such conditions will be maintained, and the reconstruction and completion of the river spurs will even facilitate the formation of the most valuable slit habitats on the shoals created in the groyne fields. In the case of identified collisions, protected will be diaspores of the species, in order to strengthen and rebuild the population in subsequent growing seasons, after completion of the works, and optionally in order to set up a metaplantation. In the summer, when the strapwort is fully grown and blooming, there will be an inventory made of strapwort habitats and its resources in a given year. However, all silts in the riverbed on the section covered by works require control – the plant appears in different places and in variable quantities in different years. The next stage of the work will be obtaining seeds from fruits of the plants previously inventoried – to be done at the end of summer and in early autumn. The Applicant indicated and described in detail the cultivation recommendations – cultivation ex situ (i.e. acquisition of plant material to protect natural populations; preparation and storage of seeds; cultivation). The Applicant has indicated that possible seed storage and ex situ cultivation will be carried out at the location indicated by the nature supervision, and that the specific method for maintaining the strapwort metaplantation will be chosen by nature supervision, taking into account the habitat and climatic conditions in a given year. According to the information contained in the application, the risk to plant species listed in the application result mainly from the implementation of the planned investment project at the stage of the works. The conducted works may affect the identified plant species, subject to legal conservation of species, by: destruction of the vegetation and the risk of destruction of valuable flora species habitats, resulting from the occupation of land and adjacent areas, or directly due to the need to carry out the works; destruction of natural vegetation, including habitats of flora species under special protection, in the technological strip; reversible temporary destruction of vegetation at the stage of modernization of the hydrotechnical structures (mainly spurs), including mechanical destruction of macrophytes in the area directly affected by the works; periodic deterioration of the living conditions of submerged macrophytes, arising from the influx of significant amounts of slurry, reduction of water transparency and depth of the

euphotic zone; changes in habitat conditions; temporary destruction of vegetation and exposure to damage in the construction area, temporary roads and in their vicinity; loss of vegetation due to the activation of the surface water erosion and increased amount of slurry supplied to the surface of water, which may adversely affect the aquatic flora ecosystems; changes in the structure of the vegetation nearby the implemented project, as the consequence of disturbances to water and the physical properties of the hydrogenic soils; fragmentation of habitats; possibility of contamination of surface and ground waters, and thus possibility of deterioration of the flora refuges quality. The Applicant pointed out that in order to limit to the necessary minimum the potential, abovementioned negative impact of the works on plants, the conditions for conducting these works and compensatory actions were specified: most of the works will be carried from the water side, which will reduce the impact of the investment project on the riverbank zone in the project implementation phase; in order to restore the riverbank properties, and to enable the development of the habitat 3270, and thus the strapwort, the works related to the reconstruction and construction of the river spurs will be carried out outside the period from April to September; construction facilities will not be located, and materials will not be stored within wet depressions, in which during summer there could develop populations characteristic for this habitat; if possible (i.e. in the case of future noticing the presence of the strapwort *Corrigiola litoralis*) diaspores of the specie should be protected; during the works, the specie populations should be maintained in conservation cultivation use them to support or restore its habitats after the completion of the works in the river bed; when performing the works related to the reconstruction of existing spurs, do not interfere with the dumps located in the groyne fields, with the exception of the spots directly interfering with the designed structures (in particular, do not dredge shallows and shoals); the works will be carried out under environmental supervision; the environmental supervision will re-verify the site for protected species before the works commence; setting up the fringed water lily *Nymphoides peltata* metaplantation; The Applicant has indicated that the activities covered by the permit will be carried out taking into account the decision on the environmental conditions of the consent for the implementation of the project, the relevant water law consent and the building permit. The requested activities will be carried out by the construction works Contractor, who will have an environmental supervision team.

In this case, given the location, purpose, and scope of the actions applied for, there is no alternative solution to carry out these actions. Carrying out the requested activities in relation to the plant species listed, floating fern *Salvinia natans*, water caltrop *Trapa natans*, strapwort *Corrigiola litoralis*, and fringed water lily *Nymphoides peltata*, will not endanger the proper preservation of their wild populations. The requested activities will be carried out as part of the project titled: “*IB.2 Modernization works on boundary sections of Odra River, Stage I to provide Good Condition for Ice-breaking.*” At the same time, the Applicant noted that as part of the performance of the works, the conditions for their performance were specified, and compensatory measures were planned, to reduce to the necessary minimum possible negative impact of the

works on the said plant species. In addition, the requirements indicated in the conclusion of the decision will minimize the possibility of negative impact of the planned activities on the local population of the above-mentioned plant species.

The performance of the requested activities fulfils the conditions set forth in the Art. 56 clause 4 points 3, 6 and 7 of the Nature Conservation Act., thus allowing the Regional Director for Environmental Protection in Gorzów Wielkopolski to grant the permit.

With the above in mind, I rule as stated.

INSTRUCTION

Parties 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.

Pursuant to the Article 127a § 1 and 2 of the Code of Administrative Procedure, 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.

Furthermore, pursuant to the Art. 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 accepts the requests of all the Parties, or if all Parties have waived their right to lodge an appeal.

To implement the permit, the Regional Director for Environment Protection in Gorzów Wielkopolski shall check whether the Applicant fulfils the conditions specified in the permit, and shall withdraw the permit if the conditions are not fulfilled, pursuant to Article 56(7a) and (7j) of the Nature Conservation Act.

Please also note that if any plants, fungi or animals, other than those listed herein, are discovered while commencing and executing the works, or in the event of violating any prohibitions other than those referred to herein, it is required to obtain an additional permit from the Regional Director for Environmental Protection for derogation from the prohibitions listed in the Art. 51 clause 1 and Art. 52 clause 1 of the Nature Conservation Act.

This permit does not exempt from compliance with other provisions, including the provisions set forth in the Civil Code of April 23, 1964 (Journal of Laws of 2019, item 1145, as amended) Therefore, before entering a property, it is necessary to obtain a relevant consent from an authorised person (owner or administrator.)

To the application for a permit for activities subject to the bans set out in Art. 56 section 2 of the Nature Protection Act of 16 April 2004 (consolidated text: Journal of Laws of 2020, item 55,) the Applicant has paid stamp duty in the amount of PLN 82.00 (in words: eighty-two zlotys 00/100) and stamp duty for the submission of the document confirming the power of attorney in the amount of PLN 17.00 (in words: seventeen zlotys 00/100) to the account of the Municipal Office in Gorzów Wlkp. 44 1020 5402 0000 0302 0325 6575.

*Kamila Strzesak
Nature Protection Inspector*



Recipients:

1. Ms Krystyna Araszekiewicz of Sweco Consulting Sp. z o.o., ul. Łyskowskiego 16, 71-641 Szczecin (Poland)
2. To files.



Data dekretacji/Podpis

Adresat	Akcja	Kopia
ZWA		
Z-KP		
ZPT-F		
ZPT-N		
ZPT-OS		
ZPT-P		
ZPT-DP		
ZP-H		
ZP-M		
ZP-P		
ZIK I		
ZIK II		