

Szczecin, 29 October 2013

**REGIONAL DIRECTOR OF
ENVIRONMENT
PROTECTION in SZCZECIN**

WOPN.670.125.2013.MS

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DECISION No. 44/2013

On the basis of Art. 104 of the Act of 14 June 1960 - Administrative Procedure Code (Journal of Laws of 2013 item 267) and Art. 3, Art. 4, Art. 36 Section 1, Art. 91point 2a and Art. 118 of the Act of 16 April 2004 about nature protection (Journal of Laws of 2013 item 627, as amended Journal of Laws, item 628, 842) after examination of the application, sign: IO/2233/01/05/13/PP of 13 September 2013 of the Westpomerania Management of Land Reclamation and Water Devices in Szczecin regarding issuance of the decision determining the works conducting provisions for the planned undertaking: **„Reconstruction of the flood embankments along the Odra River in the area of Gryfin administrative district"**, commune of Gryfino, Westpomerania Voivodeship,

I determine the conditions for the work management:

- 1) realization of the natural inventory on the area of the investment before beginning the next stage of the works
- 2) in case, when on given area will be discovered species of plants, animals and fungus covered by the protection of species, before beginning of any activities towards such species, the proper permit must be obtained according to Art. 56 Section 1 and Section 2 of the Act of 16 April 2004 about nature protection (Journal of Laws of 2013 item 627, as amended Journal of Laws, item 628, 842)
- 3) terms and locations of particular stages of the investment should be adopted in such way that there will be no impact on the protected species occurring on the objective area;
- 4) during realization of the investment, constant environmental supervision must be provided;
- 5) constant monitoring and maintenance of the technical efficiency for all devices during their exploitation must be provided;
- 6) during realization of the investment, there will be not used any devices that can be lethal with relation to animals;
- 7) during realization of the works, there will be performed activities leading to assurance of the proper technical state of machines and devices used for realization of the investment;
- 8) the proper storage area for the machines and devices mentioned above must provided that will be protected against any petroleum derivative substances that could transferred to the environment;
- 9) during realization of the undertaking, the waters and grounds cannot be contaminated with petroleum derivative substances;

- 10) mechanical equipment must be used to remove any petroleum derivative substances for the water surface, in case of any leakages to the surface waters;
- 11) all materials used for investment realization will be stored at the distance that will not disturb the bed of the river;
- 12) the body issuing this decision will be informed about the beginning and conclusion of the objective works;

Justification

Mr. Tomasz Płowens, Director of the Westpomerania Management of Land Reclamation and Water Devices in Szczecin, with application of 13 September 2013 applied to this Regional Director of Environment Protection for issuance of the decision determining the works conducting provisions for the planned undertaking: „Reconstruction of the flood embankments along the Odra River in the area of Gryfin administrative district”, commune of Gryfino, Westpomerania Voivodeship,

During the course of the proceedings regarding issuance of the decision about environmental provisions, the Regional Director of Environment Protection in Szczecin with the letter (decision No. 11/2013) of 27 August 2013, sign: WOOŚ-TŚ.4233.1.2013.DK.20 ascertained the lack of obligation to perform the assessment of impacts on the environment for the above mentioned undertaking.

Taking into account the above, all provisions defined in the decision are resulting from the care for assurance for the plant and animal species of the comfortable reproduction and development period in the natural environment, and also protection of the water ecosystem.

On the basis of Art. 10 § 1 of the Act of 14 June 1960 - Administrative Procedure Code (Journal of Laws of 2013 item 267) this body informed on 06 June 2013 (with letter, sign: WOPN.670.125.2013.MS) all parties about possibility of announce with the regard to the collected evidences and materials in the objective matter.

The parties had not file any remarks and objections.

The decision was issued on the basis of:

- 1) Art. 3 and Art. 4 of the Act of 16 April 2004 about nature protection (Journal of of Laws of 2013 item 627), that stipulate that the nature protection aims are realized among others by taking into account all requirements for nature protection in (...) business and investment activities, and public administration organs, legal entities and other organizational units and physical persons are obliged to take care for the nature;
- 2) Art. 36 Section 1 of the Act of 16 April 2004 about nature protection (Journal of Laws of 2013 item 627) stipulates, that: on the Nature 2000 areas, all activities connected with the maintenance of the devices and constructions used for the flood protection should not be limited (...), if such activities do not have significant negative impact on the Nature 2000 areas.
- 3) Art. 91 point 2a of the Act of 16 April 2004 about nature protection (Journal of Laws of 2013 item 627) stipulates, that: Regional Director of Environment Protection is the proper organ with the regards to nature protection;

- 4) Art. 118 point 2a of the Act of 16 April 2004 about nature protection (Journal of Laws of 2013 item 627) stipulates that the works that include water regulations and construction of the flood embankments, and also drainage works, construction drainages, and other earth works changing the water proportions - on the areas with special natural value, especially on the areas that include concentration of the flora with special value from the natural point of view, on the areas with scenery and ecological value, on the areas of the massive hatching activities, concentration of the protected species and spawning grounds, overwintering areas, fish passes and areas of the massive migration of fish and other water organisms, are conducted on the basis of the regional director of environment protection, who determines the conditions for the works;
- 5) Art. 104 § 1 and § 2 of the Administrative Proceedings Code (Journal of of Laws 2013 item 267) stipulates that the public administration institution settles the case by issuance of the decision, unless the administrative code stipulates otherwise. Decisions resolve the case as to the merits of the case in full or partially or on other way ending the case in the given administration.

Information

The party unsatisfied from the decision, according to Art. 127 §1 and §2 and Art. 129 §1 and §2 of the Administrative Proceedings Code through the Regional Director of Environment Protection in Szczecin, can appeal from this decision to the General Director of Environment Protection within 14 days from the decision reception date.

Public administration organ that issued the decision in the first instance ascertains its expiration, if the decision was issued with reservation to accomplish some activities, and the party not fulfilled such obligation within the prescribed period of time.

Recipients:

- Westpomerania Drainage and Water Devices Management in Szczecin, Al. Papieża Jana Pawła II nr 42 70-415
Szczeci

