

[ITiG.603.2-D.2015.2016](#)

## DECISION

Pursuant to Article 71 Par. 2 Subpar. 2, Article 75 Par. 1 Subpar. 4, Article 84 and Article 85 Par. 1 and 2 Subpar. 2 of the Act of October 3<sup>rd</sup>, 2008 on the Provision of Information on the Environment and its Protection, Public Participation in Environmental Protection and Environmental Impact Assessments (Journal of Laws of 2013, item 1235) hereinafter referred to as the EPA Act and Art. 3 Par. 1 Subpar. 3 of the Regulation of the Council of Ministers of November 9<sup>th</sup>, 2010 on *determining the types of projects that may significantly affect the environment* (Journal of Laws No. 213, item 1397 as amended) and also Article 104 of the *Administrative Procedure Code* of June 14<sup>th</sup>, 1960 (Journal of Laws 2013, item 267), following an analysis of the application by

**Mr. Tomasz Wróblewski - representative of Hydroprojekt Wrocław sp. z o.o., ul. Wybrzeże Wyspiańskiego 39, 50-370 Wrocław** of January 13<sup>th</sup>, 2015, on issuing an environmental conditions decisions for the undertaking entitled "*Construction of the Roztoki Bystrzyckie dry flood control reservoir on Goworówka Stream, near Roztoki, Międzyzylesie Municipality, Lower Silesian Province within the scope of a reconstruction (demolition and construction at a new location) of Roztoki-Goworów-Międzyzylesie district road number 3233D, together with the construction of exits required for the investment*" - acting for and on behalf of the investor - Regional Water Management Authority in Wrocław

### I resolve as follows

1. Determine that there is no necessity to conduct an environmental assessment procedure for the undertaking under the name of: "*Construction of the Roztoki Bystrzyckie dry flood control reservoir on the Goworówka Stream, near Roztoki, Międzyzylesie Municipality, Lower Silesian Province within the scope of a reconstruction (demolition and construction at a new location) of Roztoki-Goworów-Międzyzylesie district road number 3233D, together with the construction of exits required for the investment*"
2. Attach the specification of the entire undertaking as an appendix to this decision.

## JUSTIFICATION

On January 13<sup>th</sup>, 2015 Mr. Tomasz Wróblewski - the general designer at Hydroprojekt Wrocław sp. z o.o., ul. Wybrzeże Wyspiańskiego 39, 50-370 Wrocław submitted to the Mayor of Międzyzylesie City and Municipality an application to issue an environmental conditions decision for the undertaking under the name of: "*Construction of the Roztoki Bystrzyckie dry flood control reservoir on the Goworówka Stream, near Roztoki, Międzyzylesie Municipality, Lower Silesian Province within the scope of a reconstruction (demolition and construction at a new location) of Roztoki-Goworów-Międzyzylesie district road number 3233D, together with the construction of exits required for the investment*". He attached to the application the undertaking information sheet, copy of a cadastral map showing the area where the undertaking in question will be performed, extract from the land register for the area and a copy and extract from the Międzyzylesie City and Municipality local plan.

According to Article 71 Paragraph 2 of the EPA Act, an environmental conditions decision is required to plan undertakings which might always or potentially have a significant impact on the environment.

The undertaking subject to the request, in accordance with the Regulation of the Council of Ministers of November 9<sup>th</sup>, 2010 on *determining the types of projects that may significantly affect the environment* (Journal of Laws No. 213 item 1397 as amended) is qualified as "*hard surface roads with the entire undertaking length of more than 1 km other than those referred to in Par. 2 Subpar. 1 item 31 and 32 as well as hard surface bridges along the road, with the exception of a reconstruction of roads and bridges, used to service power stations and located outside of areas where environmental protection forms apply as referred to in Article 6 Subpar. 1 items 1-5, 8, 9 of the Environmental Protection Act of April 16<sup>th</sup>, 2004*" has a status of an undertaking which might potentially have a significant impact on the environment, for which the performance of an environmental impact assessment may be required.

On January 19<sup>th</sup>, 2015, the body considering the application requested from the Applicant supplementing the documentation, which were provided on February 3<sup>rd</sup>, 2015.

On February 6<sup>th</sup>, 2015 administrative proceedings in the matter at hand was commenced. In accordance with Article 33 of the EPA Act, a proceedings commencement notice was made public by publishing in a the public access information area of the Międzyzylesie City and Municipality Town Hall Public Information Bulletin [bip.miedzylesie.pl](http://bip.miedzylesie.pl) and by displaying on the Międzyzylesie City and Municipality Town Hall information board. All parties to proceedings ITiG.603.2-D.2015.2016 were notified of their right stemming from Article 10 of the Administrative Procedure Code and Article 33 Paragraph 1 of the EPA Act, to active participation in every stage of the proceedings, including to submit evidence motions in explanatory proceeding an possibility to read the documents for this case in the Międzyzylesie City and Municipality Town Hall,

Wolności 1, 57-530 Międzyzlesie, room no. 17 within 21 days from notice publication. According to Article 63 Paragraph 1 and Article 64 Paragraph 1 of the EPA Act, the body competent to issue an environmental conditions decision, determines whether it is necessary to conduct an environmental impact assessment of the for the undertaking, following consultations with the environmental protection body and the state district sanitary inspectorate.

In conjunction with the above, the body conducting the proceedings, by virtue of a letter Ref. No. ITiG.603.2-2.2015 of February 18<sup>th</sup>, 2015, submitted an application to the Regional Director for Environmental Protection in Wrocław and by virtue of letter Ref. No. ITiG.603.2-3.2015 of February 18<sup>th</sup>, 2015 submitted a request to the State District Sanitary Inspectorate in Kłodzko to issue an opinion on the necessity of performing an environmental impact assessment and if such is required - to define the scope of such an environmental impact report. The Regional Director for Environmental Protection in Wrocław, by virtue of letters Ref. Nos.:

- WOOŚ.4240.97.2015.KC.1 of February 20<sup>th</sup>, 2015,

- WOOŚ.4240.97.2015.KC.2 of March 17<sup>th</sup>, 2015

- WOOŚ.4240.97.2015.KC.5 of May 5<sup>th</sup>, 2015,

requested for the Applicant to adapt the submitted documentation to the requirements as set forth in Article 64 Paragraph 2 Subparagraph 3 of the EPA Act. Following receipt of the updated documentation, by decision No WOOŚ.4240.97.2015.KC.7 of June 1<sup>st</sup>, 2015, it expressed its opinion that the performance of an environmental impact assessment is not required for the planned undertaking.

The State District Sanitary Inspector in Kłodzko, by letter No. NS-ZNS-72-5/WB/15 of February 25<sup>th</sup> requested for the body conducting the proceedings to supplement the documentation, which was provided on March 13<sup>th</sup>, 2015. Following receipt of the full set of documents, the State District Sanitary Inspector in Kłodzko did not issue an opinion for the planned undertaking.

The investment in question is to be executed within the area of the town of Roztoki, Międzyzlesie Municipality, Kłodzko district, Lower Silesian Province, outside of the Natura 2000 site, as well as other nature protection areas. Taking into account the type and location, the undertaking shall not impact areas subject to statutory environmental regulations. Moreover, there is no need to conduct a proceedings in case of environmental impact assessment in the trans-border context.

Following an analysis of the detailed terms associated with classifying an undertaking which might potentially have a significant impact on the environment in terms of an obligation to perform an environmental impact assessment, due to the scale, type and location of the undertaking, as well as its possible environmental impact, and also taking into account the position of the Regional Director for Environmental Protection in Wrocław, the **Mayor of Międzyzlesie City and Municipality found that in the case under consideration, the performance an environmental impact assessment for the undertaking is not necessary, in accordance with Article 63 of the EPA Act.**

Pursuant to Article 72 Paragraph 3 of the EPA Act, the environmental conditions decision is to be attached to the application for issuing a decision, as referred to in Article 72 Paragraph 1 of the aforementioned Act. The said application should be submitted no later than within four years of the day of the environmental conditions decision becoming final, as long as the party which submitted the application for issuing an environmental conditions decision, or the entity to which such a decision was transferred, received, before the deadline referred to in Paragraph 3, from the body which issued the environmental conditions decision, a statement of position that the execution of the planned undertaking is conducted in stages and that the conditions referred to in the decision have not changed.

This decision was made public by publishing in a the public access information area of the Międzyzlesie City and Municipality Town Hall Public Information Bulletin [bip.miedzylesie.pl](http://bip.miedzylesie.pl) and by displaying on the Międzyzlesie City and Municipality Town Hall information board. In consideration of the above, it was ruled as stated in the conclusion.

## **Instruction**

The party may appeal against the decision to the Local Government Appeals Court in Wałbrzych through the Mayor of Międzyzlesie City and Municipality, within 14 days of receiving it.

ITiG.603.2-D.2015.2016

Copies to:

1. Hydroprojekt Wrocław sp z o.o., ul. Wybrzeże Wyspiańskiego 39, 50-370 Wrocław
2. for the record

CC:

1. Regional Director for Environmental Protection in Wrocław

2. District Sanitary and Epidemiological Station in Kłodzko

case run by:

Dariusz Kosacz tel. no. 0048 74 8126327 ext.27

## ***Appendix to the environmental conditions decision***

### ***No. ITiG.603.2-D.2015.2016 of 15.01.2016***

In the town of Roztoki, Międzyzlesie Municipality, in the estuary section of the Goworówka Stream where it joins Nysa Kłodzka, construction of "Roztoki Bystrzyckie" dry flood control reservoir with maximum flooding area of approximately 50.42 ha and holding capacity of approximately 2.9 million m<sup>3</sup> is planned. A 0.5 km long section of Roztoki-Goworów-Międzyzlesie district road number 3233D, with a bitumen surface together with a road bridge over the Nowinka Stream runs across the planned dam and reservoir basin area. The said road links the towns of Roztoki, Gajnik, Michałowice and Goworów. It joins the national road number 33 from Kłodzko via Międzyzlesie and Bobosów heading towards the Czech Republic.

The approximately 0.5 km long section of the current district road and bridge along that road over the Nowinka stream, which collide with the planned construction of the "Roztoki Bystrzyckie" dry flood control reservoir basin and dam will be demolished. Taking into account the requirement to maintain the existing road link between Roztoki, Gajnik and the other towns, the construction of a new 1.08 km long district road section is planned, which will run along the right (northern) bank of the reservoir basin, above the maximum damming-up level which will ensure road accessibility under all reservoir working conditions.

During the road building stage, an uncontrolled emission of pollution to the atmosphere, noise pollution, vibrations, soil contamination with petroleum derivatives and waste generation will occur. However, due to the scale and the character of the works performed at this stage, no abnormal environmental impact is foreseen. The disruptions will be of a temporary, reversible nature and will subside once the construction works are complete.

During the road use stage, no significant negative impact on the environment or people is foreseen. The average traffic intensity will be 20 vehicles / h during the day and 3 vehicles / h at night. Taking into account the local character of the road, the acceptable levels of noise and pollution during the use stage should not be exceeded. Storm water and melt water will drain into the drainage ditch located between the road and the slope.

The scope of the planned undertaking does not include any areas subject to legal protection, as referred to in Article 6 of the *Environmental Protection Act of April 16<sup>th</sup>, 2004 (Journal of Laws 2015, item 1651, as amended)*. The nearest Natura 2000 site - Góry Bialskie and Masyw Śnieżnika PLH020016 is more than 4 km away. Whereas forests, wooded and shrub covered lands, water and marsh areas and the Nowinka Stream watercourse are within the investment impact zone.

The works associated with the undertaking will be conducted in a manner ensuring minimum environmental interference. No interference to the Nowinka watercourse is foreseen, and the bridge construction works will be conducted outside of the brook lamprey breeding season. Removing trees and shrubs will be performed between November 1st and March 15<sup>th</sup> (due to birds' breeding seasons and the protection of bat breeding and resting places). Removing trees will be performed under dendrological and chiropterological supervision. Upon investment completion, natural compensation along the newly built road will be performed by planting trees.