



Regional Director  
for Environmental Protection  
in Wrocław  
AL. JANA MATEJKI 6  
50-333 WROCŁAW

Wrocław, March 5th 2019

WPN,6400.27.2018.MH.1

### DECISION

Pursuant to art. 155 of the Act dated June 14th 1960 - Code of Administrative Procedure (i.e. Dz. U. [Journal of Laws] of 2018, pos. 2096), art. 56 clause 2, item 1 and clause 4, item 7, in relation to art. 51, clause 1, item 3 of the Environmental Protection Act (i.e. Dz. U. [Journal of Laws] of 2018, pos. 1614, as amended), § 3 in relation to § 6, clause 1, item 3 of the Regulation of the Minister of Environment, dated October 9th 2014, on protection of plant species (Dz. U. [Journal of Laws] pos. 409), having considered the application submitted by Mrs. Krystyna Frankowska-Byczko, acting as a proxy for and on behalf of Przedsiębiorstwo Robót Wodnych i Ekologicznych EKO-WOD Sp. z o. o. seated at ul. Towarowa 12-14 in Swidnica, file No. DPiRP/553/640/02/2019, dated February 19th 2019 and pertaining to a change of the decision No. WPN.6400.27.2018.IL, dated June 29th 2018, on expressing consent to destroying the habitats of plant species covered by species protection, without replantation to naturally suitable habitats and changing the decision binding period,

#### I hereby decide

to change the decision issued by the Regional Director for Environmental Protection in Wrocław, No. WPN.6400.27.2018.IL of June 29th 2018, in a way that the wording included in the sentence

**„to destroy true oxlip *Primula eliator* habitats (60 specimen on the plot No. 81/5 in Boboszków precinct), western marsh orchid *Dactylorhiza majalis* (1 specimen on the plot No. 66/1 in Boboszków precinct), autumn crocus *Colchicum autumnale* (several hundred specimen on the plot No. 64 in Boboszków precinct), in relation with implementing the undertaking titled: “Construction of dry flood control reservoir on the Nysa Klodzka River in Boboszew, Contract No. OVFMP- 2A.1/1” under the following conditions:**

- 1) the specimen of true oxlip *Primula eliator*, western marsh orchid *Dactylorhiza majalis* and autumn crocus *Colchicum autumnale* shall be replanted to the areas not colliding with the investment,
- 2) replantation of the aforementioned species to the intended habitat shall be supervised by an expert botanist.

#### **The permit shall be valid until August 31st 2021.**

Until January 15th following every calendar year of the permit term the Regional Director for Environmental Protection in Wrocław shall be provided with information regarding the scope of the permit utilization, with a reservation the last information shall be submitted until September 15th 2021 (the information should contain the reports prepared by the expert botanist).”

shall get the following wording:

**„to destroy true oxlip *Primula eliator* habitats (60 specimen on the plot No. 81/5 in Boboszków precinct), western marsh orchid *Dactylorhiza majalis* (1 specimen on the plot No. 66/1 in Boboszków precinct), autumn crocus *Colchicum autumnale* (several hundred specimen on the plot No. 64 in Boboszków precinct), in relation with implementing the undertaking titled: “Construction of a dry flood control reservoir on Nysa Klodzka in Boboszew” - Contract No. 2A.1/1)**

#### **The permit shall be valid until December 31st 2020.**

Until January 15th 2021 the Regional Director for Environmental Protection in Wroclaw shall be provided with information about the permit utilization scope. '

## JUSTIFICATION

On February 19th 2019 at the Directorate the application was submitted by Mrs. Krystyna Frankowska-Byczko, the proxy of Przedsiębiorstwo Robót Wodnych i Ekologicznych EKO-WOD Sp. z o. o., seated at. ul Towarowa 12-14 in Swidnica, on changing the decision No. WPN.6400.27.2018.IL dated June 29th 2018 on expressing consent to destroy the habitats of plants species covered by species protection, without replantation to naturally suitable habitats and changing the decision binding period.

As it results from the application, the change regarding the scope of the bans for the plants species covered by species protection, i.e. destruction of the protected plants habitats without their replantation to the naturally suitable habitat area, will, to a great extent, add to the investment progress, expected by and compliant with the public interest, and meant to guarantee protection of life and property of a significant value (relocating the aforementioned specimen could cause significant delays in the investment implementation).

The true oxlip *Primula eliator*, western marsh orchid *Dactylorhiza majalis*, autumn crocus *Colchicum autumnale* are covered by partial protection, listed in respective items 231, 248, 296 of appendix No. 2 to *the Regulation on protection of plant species*.

The true oxlip is a frequently present species and, in some areas, like the Lower Silesia, its presence is quite common. The western marsh orchid is the most common species among the Orchidaceae family, while the autumn crocus is present in almost all mountain ranges of Lower Silesia.

In view of the above, it has been stated the destruction of the aforelisted species habitats should not have significant impact on the species population.

Shortening the permit binding term is related to the planned works completion related to topsoil removal and the said works will last no more than until December 3rd 2020. The Applicant hereby indicates that so far construction works have not been carried out in the Boboszew reservoir area.

Thus, bearing in mind the party's legitimate interest, is has been decided as stated above.

### Information

The parties may appeal against the decision to the General Director for Environmental Protection through the Regional Director for Environmental Protection in Wroclaw within 14 Days of its delivery date.

Pursuant to art. 127a of the Code of Administrative Procedure, the party, during the appeal deadline, may waive the right to appeal towards a public administration body that issued the decision. Upon the date of submitting the statement about waiving the right to appeal by the last party to the procedure to the public administration body, the decision becomes final and binding.

*PLN 41.00 administrative fee has been charged for the decision, pursuant to part III, clause 44, item 2 of the appendix to the Stamp Duty Act dated November 16th 2006 (i.e. Dz. U. [Journal of Laws] of 2018, pos. 1044, as amended).*

Addressees:

Mrs. Krystyna Frankowska-Byczko, Przedsiębiorstwo Robót Wodnych i Ekologicznych EKO-WOD Sp. z o.o. Towarowa 12-14, 58-100 Swidnica