

[stamp: PROJECT PL 1662
Received on: 15-06-2016
Signature /illegible/ No. 0944/2016]

Wrocław, June 13th, 2016

DECISION

Under Article 56 Par. 2 Subpar. 1 and Par. 4 Subpar. 7 in connection with Article 51 Par. 1 Subpar. 1 and 3 of the *Nature Conservation Act of April 16th, 2004 (Journal of Laws of 2015, item 1651 as amended)*, § 3 in connection with § 6 Par. 1 Subpar. 1 and 3 of the *Regulation of the Minister of the Environment of October 9th, 2014 on protection of plant species (Journal of Laws of 2014, item 1409)* and Article 104 of the *Law of 14 June 1960 – Code of Administrative Procedure (Journal of Laws of 2016, item 23)*, after reviewing an application submitted by Ms. Dorota Serwecińska from AECOM Polska Sp. z o.o., who acts with the authorization of the Director of the Regional Water Management Authority in Wrocław (power of attorney No. DP.0113-91/2016 of April 21st, 2016), concerning issuing a decision exempting from bans related to specimens of plants subject to partial protection (the application was submitted on May 2nd, 2016 and corrected on June 2nd, 2016),

I permit the following

purposeful destruction of specimens and habitats of the following species: Acid frillwort *Fossombronina wondraczekii* (max. 9000 specimens on 2 sites), Homalia moss *Homalia trichomanoides* (0.3 m² on 1 site), Anomodon moss *Anomodon attenuatus* (0.2 m² on 1 site), True oxlip *Primula elatior* (200 specimens on 7 sites), Spring snowflake *Leucoium vernum* (max. 200 specimens on 5 sites) and Wild garlic *Allium ursinum* (max. 1000 specimens on 6 sites), located in Krosnowice and Starków (Kłodzko Municipality) on 300 m wide strips along the banks of Duna Dolna and Duna Górna (Topolica) streams, from chainage km 0+000 to km 3+400 of Duna Dolna and from chainage km 0+000 to km 1+400 of Duna Górna (Topolica), in connection with the implementation of the undertaking entitled: “Construction of “Krosnowice” – a dry flood control reservoir on Duna stream near Krosnowice, Kłodzko Municipality in the Lower Silesian Province”, on the following conditions:

- 1) up to 50% of specimens of True oxlip *Primula elatior*, Spring snowflake *Leucoium vernum* and Wild garlic *Allium ursinum* shall be replanted under the supervision of a botany specialist to appropriate locations in terms of habitat which do not collide with the investment;
- 2) the present permit shall be implemented together with the conditions imposed in the

decision on the environmental conditions for the undertaking consisting in the construction of “Krosnowice” flood control reservoir (ref. No.: WOOŚ.4204.2.2013.ŁCK.24) of March 13th, 2015.

The permit is valid till December 31st, 2020.

Information about the scope of utilizing this permit shall be submitted to the Regional Director for Environmental Protection in Wrocław till January 15th, 2021.

JUSTIFICATION

On May 2nd, 2016, the Regional Directorate for Environmental Protection in Wrocław received an application submitted by Ms. Dorota Serwecińska from AECOM Polska Sp. z o.o., who acts with the authorization of the Director of the Regional Water Management Authority in Wrocław (power of attorney No. DP.0113-91/2016 of April 21st, 2016), concerning issuing a decision exempting from bans related to specimens of plants subject to partial protection. On June 2nd, 2016, Ms. Dorota Serwecińska submitted a new, corrected application, the subject matter of which replaces that of the application of May 2nd, 2016.

The subject of the application is the destruction of specimens and habitats of the following species: Acid frillwort *Fossombronia wondraczekii*, Homalia moss *Homalia trichomanoides*, Anomodon moss *Anomodon attenuatus*, True oxlip *Primula elatior*, Spring snowflake *Leucoium vernum* and Wild garlic *Allium ursinum* in connection with the implementation of the undertaking entitled: “Construction of “Krosnowice” – a dry flood control reservoir on Duna stream near Krosnowice, Kłodzko Municipality in the Lower Silesian Province”.

All the above mentioned species are subject to partial protection under Appendix No. 2 to the Regulation of the Minister of the Environment of October 9th, 2014 on protection of plant species (they are listed there under the following numbers: Acid frillwort – No. 13, Homalia moss – No. 60, Anomodon moss – No. 171, True oxlip – No. 231, Spring snowflake – No. 181, Wild garlic – No. 218).

Under Article 51 Par. 1 Subpar. 1 and 3 of the Nature Conservation Act and § 6 Par. 1 Subpar. 1 and 3 of the Regulation on protection of plant species, wild plants subject to species protection are covered by bans on purposeful destruction of specimens and their habitats.

Under Article 56 Par. 2 Subpar. 1 and Par. 4 Subpar. 7 of the Nature Conservation Act, a regional director for environmental protection may permit activities covered by bans in relation to wild plant species subject to species protection, including purposeful destruction of specimens, habitats and refuges, provided that the activities do not have an adverse impact on

the preservation of wild populations of protected plant species in an appropriate status and stem from the necessary requirements of an overriding public interest.

As stems from the submitted application, the prohibited activities planned in relation to the abovementioned species are inevitable – they are connected with the implementation of the undertaking consisting in the construction of “Krosnowice” dry flood control reservoir, the main aim of which is the reduction of flooding risk in the Kłodzko Valley (the Regional Director for Environmental Protection in Wrocław issued a decision on the environmental conditions for the undertaking in question, with ref. No. WOOŚ.4204.2.2013.ŁCK.24, of March 13th, 2015).

The performance of the planned project should not have a significant influence on the populations of the abovementioned plant species: as stems from the submitted application, they are relatively common in the discussed area and its vicinity.

The destruction of specimens or habitats of the plant species listed in the application in connection with the implementation of the discussed undertaking is inevitable: the reservoir construction shall include earthworks consisting in the removal of the topsoil layer on which they grow.

In view of the above, the present body permitted the prohibited activities in relation to the discussed plant species, simultaneously imposing a condition that up to 50% of specimens of True oxlip, Spring snowflake and Wild garlic be replanted to locations which do not collide with the investment (the solution is an alternative to a complete destruction of the specimens of those plants in the undertaking area, even more so because they are relatively easy to replant and adapt well in new locations). The condition ordering the performance of those activities under a botanist’s supervision was imposed to ensure appropriate performance of the works consisting in replanting the specimens of the abovementioned plants.

Moreover, the present permit should be implemented together with the conditions imposed in the decision on the environmental conditions for the undertaking consisting in the construction of “Krosnowice” flood control reservoir (ref. No.: WOOŚ.4204.2.2013.ŁCK.24) of March 13th, 2015, as the two documents are jointly aimed at minimizing the undertaking influence on the surroundings, including the populations of protected plants.

In the light of the above, it was ruled as in the sentence.

Information

The party may appeal against the decision to the General Director for Environmental Protection via the body that issued the decision within 14 days of the delivery date.

Exempt from stamp duty under Article 7 Subpar. 2 of the Act of November 16th, 2006 on stamp duty (Journal of Laws of 2015, item 783 as amended).

[stamp of the Regional Director for Environmental Protection in Wrocław]

[stamp: pp. Regional Director for Environmental Protection in Wrocław
/illegible name and signature/

Head of the Department of Nature Conservation and Natura 2000 Sites]

Recipients:

Ms. Dorota Serwecińska, AECOM Polska Sp. z o.o., ul. Szymanowskiego 9, 51-609 Wrocław