

Mayor of Słubice

Date 10/05/2019

WI.6220.24.2018.AK

Słubice, 6 May 2019

No. signature

ENVIRONMENTAL DECISION [*decision on environmental conditions*]

without an environmental impact assessment

Pursuant to Article 71(2)(2), Article 75(1)(4), Article 84 and Article 85(1) and (2)(2) of the Act of 3 October 2008 on publishing information about the environment and its conservation, public participation in environmental protection and on environmental impact assessments (consolidated text: Polish Journal of Laws no. 2018.2081, as amended) (hereinafter: EIA Act), and pursuant to § 3(1)(63) of the Regulation of the Council of Ministers of 9 November 2010 on projects which may adversely affect the environment (consolidated text: Polish Journal of Laws No. 2016.71), in conjunction with Article 104 and Article 107(1) and (3) of the Code of Administrative Proceedings of 14 June 1960 (consolidated text: Polish Journal of Laws No. 2018.2096, as amended), having examined the application filed by the investor, State Water Holding Polish Waters – Regional Water Management Board in Szczecin, ul. Tama Pomorzańska 13A, 70-030 Szczecin, represented by the attorney, Ms Krystyna Araszkiwicz, acting on the basis of the following documents:

- 1) Project Information Sheet;
- 2) Opinion of the Regional Director for Environmental Protection in Gorzów Wielkopolski dated 14 January 2019, ref.: WZŚ.4220.30.2019.PT
- 3) Opinion of the State District Sanitary Inspector in Słubice dated 7 January 2019, ref.: NZ 772-6-31/18,
- 4) Opinion of the Minister of Maritime Economy and Inland Waterways dated 26 March 2019, ref.: DOK.DOK2.9750.4.2.2019.AGZ

I hereby decide

- I. to waive the obligation to conduct an environmental impact assessment for the project titled 'The construction of docking-mooring infrastructure on Lower Odra River and on boundary sections of Odra River as well as new aids to navigation at km 595.3 and km 572.0 of The Oder river',
- II. to impose the following requirements on the planned facility:
 1. The works that interfere in the river channel should be carried out only within the planned icebreaker mooring locations.
 2. The method of managing dredge spoil should be determined in line with separate laws governing waste management, upon obtaining the laboratory test results for such spoil.
 3. If any harmful substance is released to the environment, in particular due to equipment failure implying the leak of fuel, lubricant or oil, it is required to apply sorbents for precipitating such containments, appropriate for the type of substance.
 4. To ensure adequate protection of water against contamination, the equipment to be used during construction should be fully operational and should meet the requirements for its admission for operation. Any vessels remaining near the project area should be maintained in a technical condition ensuring adequate protection against contamination with harmful substances, in particular oil derivatives.

III. The project specification is set out as an appendix to this environmental decision.

JUSTIFICATION

On 3 December 2018, the investor, State Water Holding Polish Waters – Regional Water Management Board in Szczecin, ul. Tama Pomorzańska 13A, 70-030 Szczecin, represented by the attorney, Ms Krystyna Araszkiwicz, applied to the Mayor of Słubice for issuing an environmental permit for a project involving the 'construction of docking-mooring infrastructure on Lower Odra River and on boundary sections of Odra River as well as new aids to navigation at km 595.3 and km 572.0 of The Oder river'.

The application was accompanied by:

- the Project Information Sheet, in accordance with Article 62a of the Act of 3 October 2008 on publishing information about the environment and its conservation, public participation in environmental protection and on environmental impact assessments,
- a map certified by the competent authority,
- an excerpt from the land register.

Pursuant to Article 75(1)(4) of the Act on publishing information about the environment and its conservation, public participation in environmental protection and on environmental impact assessments, the authority competent to conduct the administrative procedure for issuing the environmental permit for this project is the Mayor of Słubice, who has initiated the proceedings in the case pursuant to Article 61(1) of the Code of Administrative Proceedings.

The authority instituted the procedure based on the Code of Administrative Proceedings and published the information that the details of the said application had been recorded in a publicly available list, thus pursuing the requirements laid down in the Act of 3 October 2008 on publishing information about the environment and its conservation, public participation in environmental protection and on environmental impact assessments.

The environmental permit must be obtained for planned projects which may always materially affect the environment, or for projects which may potentially materially affect the environment.

Pursuant to § 3(1)(63)(b) of Regulation of the Council of Ministers of 9 November 2010 on projects which may materially affect the environment (consolidated text: Polish Journal of Laws 2016, item 71), the project is classified as a project which may materially affect the environment, for which an environmental impact assessment may be required under Article 63(1) of the EIA Act, and, consequently, it constitutes the planned project referred to in Article 59(1)(2) of the EIA Act.

The planned projects which may materially affect the environment, including the alterations made to existing facilities, which are to be qualified as such projects, are specified in a relevant regulation of the Council of Ministers. Therefore, the planned projects which may always materially affect the environment are equivalent to the projects which may affect the environment and which must compulsorily be covered by the report, as referred to in § 2 of the Regulation, while the planned project which may potentially materially affect the environment will be such projects which may materially affect the environment and which may optionally be covered by the report, as referred to in § 3 of the Regulation (Article 173 of the Act of 3 October 2008 on publishing information about the environment and its conservation, public participation

in environmental protection and on environmental impact assessments).

In accordance with Article 64(1)(1) and (2) of the Act of 3 October 2008 on publishing information about the environment and its conservation, public participation in environmental protection and on environmental impact assessments, the obligation to conduct the environmental impact assessment is determined by the authority competent to issue the environmental permit, upon consultation with the Regional Director for Environmental Protection, the State District Sanitary Inspector and the Minister of Maritime Economy and Inland Waterways. Pursuant to Article 397(2) of the Water Law of 20 July 2017 (consolidated text: Polish Journal of Laws No. 2018.2268, as amended), the authority competent to issue water permits is the minister competent for water management, if the application is filed by Polish Waters (*Wody Polskie*).

The consulting authority shall submit:

- the application for environmental permit;
- Project Information Sheet;
- an excerpt from the local development plan, if such plan has been adopted, or information that no plan exists; this does not apply to the opinions on the obligation to conduct an environmental impact assessment for a public road, a railway line of national importance, Euro 2012 projects and for projects that require a concession for the exploration and detection of mineral deposits.

The Regional Director for Environmental Protection in Gorzów Wielkopolski, by his letter dated 14 January 2019, ref.: WZŚ.4220.30.2019.PT, has stated that this project does not require an environmental impact assessment.

The State District Sanitary Inspector in Słubice, by his letter dated 7 January 2019, ref.: NZ 772-6-31/18, has stated that he does not request an environmental impact assessment for the project.

The Minister of Maritime Economy and Inland Waterways, by his letter dated 26 March 2019, ref.: DOK.DOK2.9750.4.2.2019.AGZ, has stated that he does not request an environmental impact assessment for the project.

Given the foregoing, having read the opinions issued by the consulting authorities and having thoroughly analysed the application, the Mayor of Słubice, by his order No. WI.6220.24.2018.AK dated 10 April 2019, has decided to waive the environmental impact assessment for the expansion of a petrol station, covering the location of a petrol pump and service infrastructure.

The planned project is not classified as a plant posing a risk of major industrial accident within the meaning of Article 248 of the Environmental Protection Law of 27 April 2001, nor is it included in the list of facilities referred to in Article 135(1) of that Law, for which limited use areas may be established. Given the location and scope of the project, there is also no risk of cross-border impact on the environment, and the use of natural resources does not apply to the project in question.

When determining that the project does not require an environmental impact assessment, the authorities have considered the conditions referred to in Article 63(1) of the Act on publishing information about the environment and its conservation, public participation in environmental protection and on environmental impact assessments.

Having read the application and the project information sheet, and having thoroughly analysed not only the direct but also the indirect effects of the project, considering the conditions stipulated in Article 63(1) of the EIA Act, we have ascertained that the project will not have a material adverse impact on the environment.

To summarise, having read the application and the project information sheet, and having carefully examined not only the direct but also the indirect effects of the activities to be covered by the project, and having thoroughly analysed the conditions of the planned project, presented in the application, given the requirements set forth in Article 63(1) of the Act on publishing information about the environment and its conservation, public participation in environmental protection and on environmental impact assessments, we have concluded that the project will have no material adverse impact on the environment.

Having the above in mind, I rule as stated.

INSTRUCTION

Pursuant to Article 72(3) of the Act of 3 October 2008 on publishing information about the environment and its conservation, public participation in environmental protection and on environmental impact assessments, the environmental permit shall be attached to the application for the permit, referred to in paragraph 1, and to the notification referred to in paragraph 1a. The application or notification shall be submitted in 6 days from the date when the environmental permit become final and binding, subject to paragraphs 4 and 4b.

The parties may appeal against the permit to the Self-government Appeals Court in Gorzów Wlkp. through the Mayor of Słubice, within 14 days of the date the permit was received. 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 Mayor of Słubice receives the statement of waiver of the right to appeal from the last of the Parties to the proceedings.

Appendices:

1. The project specification is set out as an appendix to the environmental permit, in accordance with Article 84 of the Act of 3 October 2008 on publishing information about the environment and its conservation, public participation in environmental protection and on environmental impact assessments (consolidated text: Polish Journal of Laws No. 2016.353, as amended).

p.p. Mayor
Agata Kułaga
Environmental Protection Inspector
at the Department of Investments
and Environmental Protection

Recipients:

1. Parties to the proceedings
2. To files

Copy to:

1. Regional Directorate for Environmental Protection in Gorzów Wielkopolski
2. State District Sanitary Inspector in Słubice
3. Minister of Maritime Economy and Inland Waterways

Case managed by: Agata Kułaga. Any explanations may be obtained by calling 95 737 2031, from Monday to Friday, in office hours (8:00 a.m. to 4:00 p.m.), or directly at the Municipal Office of Słubice situated at ul. Akademicka 1, Department of Investments and Environmental Protection, room 201.

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SPECIFICATION OF THE ENTIRE PROJECT

Pursuant to the requirements laid down in Article 82(3) of the Act of 3 October 2008 on publishing information about the environment and its conservation, public participation in environmental protection and on environmental impact assessments, the project specification is attached to the environmental permit No. WI.6220.24.2018.AK. This specification is based on the information provided in the application for the environmental permit, submitted by the investor, State Water Holding Polish Waters, Regional Water Management Board in Szczecin, ul. Tama Pomorzańska 13A, 70-030 Szczecin, represented by Ms Krystyna Araszkiwicz acting as an attorney.

The documents enclosed with the application indicate that the project is aimed to enable safe and efficient ice-breaking on the Oder river by the construction of mooring facilities for icebreakers. Eight such facilities are planned from the mouth of the Nysa Łużycka to Szczecin. The project covers a construction of mooring facilities at km 595.3 and km 572.0 of The Oder river, on plots No. 76 and 77, precinct 0001 Pławidło, and on plot No. 162, precinct 0012 Kunice, in Słubice commune. The mooring line is approx. 90 m long. The plan includes dolphins spaced at 10 to 30 m. They will be linked with the bank by a fixed jetty. As the project site is located outside the waterway, it may be necessary to dredge the riverbed, so to increase the depth along the mooring line to the transit depth (1.8 m). At Kunice mooring station, the project will also involve a demolition of the existing dolphins, that cutting them off at the riverbed level.

The area of the project is not covered by a local development plan.

Considering the conditions arising where a project is qualified for an environmental impact assessment, laid down in Article 63 of the EIA Act, and having analysed the application for issuing the environmental permit for the planned project and the project information sheet (PIS), it has been established that the project is not located on a wetland or another area with a high groundwater table, including riparian sites or river mouths, coastal areas and in marine environment, mountain or forest areas, protected areas, including protection zones of water intakes and inland water protection areas, areas where environment quality standards have been or are likely to be exceeded, areas with a landscape of historic, cultural or archaeological importance, areas with a high population density, areas adjacent to lakes, health resorts and health-resort protection areas.

The project covers a public benefit undertaking. The water equipment used for waterway maintenance and flood protection meets the public benefit criterion referred to in Article 6(1) and (4) of the Real Property Management Act of 21 August 1997 (consolidated text: Polish Journal of Laws 2018, item 2204). The previously mentioned mooring facilities will only be used for active anti-ice protection, and are to be built as part of the Odra-Vistula Flood Management Project (POPDOW).

The project site is not an environmentally sensitive location, that is a wetland, area with a high permanent groundwater table, hatching area, river mouth or lakeside area, and the technology of works ensures the protection of water against contamination. The works will not include tree clearing, and the mooring area will not be illuminated. Direct and indirect impact on zoocoenoses and phytocoenoses in the project area and the perithecium will mainly exist during

construction, changing for a short time the existing ecosystem conditions and creating new living conditions. The change will be local, mostly reversible and with no significant impact on the neighbourhood.

The investor has presented the planned environmental protection measures, including those which are to minimise the project impact on the nature, which include, without limitation, the following measures:

- the works interfering in the Oder river channel will be carried out beyond the spawning and spawn incubation season, which lasts from 1 March to 30 June. The works that interfere in the river channel will be carried out only within the planned icebreaker mooring locations;
- the works conducted to disturb the shore will be carried out between September and April, so during the lowest activity of reptiles and amphibians;
- due to the hatching of protected species near the project location, the works will be carried out in the non-breeding season, that is from October to March;
- if any rush is to be removed, this should be done prior to the breeding season;
- if any works are performed from the beginning of May till the middle of August (which is the animal reproduction season), the noise generated by mechanical equipment will be minimised by carrying out the works during the day only;
- the trees or bushes existing in the project area will not be cleared;
- during execution, there will be used only such raw materials and construction products which will not deteriorate the environmental condition (gravel, sand, prefabricated building materials). The construction materials to be used must have technical approvals and certificates admitting them for use in construction.

The planned work technology is already in use, and the engineering is standard and already applied. The impacts caused by operation of the project are recognised and known. The equipment to be used include a lift, vibrating hammer, electric welding machine, power generator and a floating craft. The works will be carried out from the waterside and will take around 3 months. No site back-up facilities are planned for the project. The planned dolphins will be located entirely in water, between the heads of two groins at the right shore of the Oder, approx. 60 m from the shore.

Works similar in terms of scale and generated impacts were carried out on the Oder river during the construction of landing stages, for example those in Siedlisko or Bobrowniki. The stages were built, and their construction and operation was not subject to any proceedings for environmental damage or a risk of environmental damage (understood as damage to protected species and natural habitats).

Given the foregoing, while identifying the impacts of the project, it was considered that it is located:

- within 'Słubice Oder river Valley' landscape protection area (hereinafter: LPA);
- for Kunice mooring station – in Natura 2000 areas 'Pliszka River Valley' (PLH080011) and 'The Middle Oder Valley' (PLB080004);
- outside the identified protection zones and sanctuaries of protected species and protected habitats;
- on a navigable river, for Kunice mooring station, in the location of the already existing dolphins (mooring line) and near the 'Rybcice-Kunice' aggregate pit, and for Pławidło

mooring station – near a levee;

- in the area of a river developed by human due to the construction of groins and shoreline armouring with riprap in inter-groin bays, whose channel processes are partly shaped by the said activities.

The LPA 'Ślubice Oder river Valley' was established by Resolution No. XXXI/470/17 of Lubuskie Province Assembly, dated 24 May 2017, on 'Ślubice Oder River Valley' landscape protection area (Official Journal of Lubuskie Province of 30 May 2017, item 1268). In accordance with the Nature Conservation Act of 16 April 2004 (consolidated text: Polish Journal of Laws 2018, item 1614) [hereinafter: EPA], the protection covers environmental, historical and cultural values and landscape qualities, and is aimed at preserving and promote those values in sustainable development conditions. The aforesaid resolution introduced a protection regime having the form of bans, and specified the objectives of the mentioned form of environmental protection. Pursuant to Article 24(2)(3) of the NCA, the bans existing in the landscape protection area shall not apply to public benefit projects as defined by Article 2(5) of the Spatial Planning and Management Act of 27 March 2003, hereinafter: the 'public benefit project'. Since this is a public benefit project according to that definition, it is not subject to the bans introduced for that LPA. Therefore, the analysis only covers the project impact on the above-mentioned objectives of that form of environmental protection.

The project assumes the construction and operation of the mooring places. The site of the planned activities is not a component of specific ecosystems or landscape, understood here as a unit of a supra-ecosystem organisation of nature, which due to the character and location of the project could unfavourably reduce the potential of the ecosystems that form the wildlife corridor of that landscape protection area, and it will not reduce the value of its ecosystems which serve for tourism and leisure purposes, so it will not affect the objective of this form of nature protection. It also does not restrict the possibility to actively protect the ecosystems existing in the LPA (to maintain the biodiversity of the natural habitats existing in the Oder river Valley), as part of rational water, forest and fishing management.

The dolphins and the jetty, being new elements, will be visible in the landscape, but will not be tall structures that would form dominant components. In addition, the ports and landing stages are facilities characteristic to a navigable river, so the structure will cause no disharmonic changes in the surrounding landscape.

It has been found that no part of the project is directly related to and/or necessary to pursue the protection objectives for the said Natura 2000 areas.

The Natura 2000 area 'The Middle Oder Valley' (PLB080004) has a protective action plan established by order of the Regional Director for Environmental Protection in Gorzów Wielkopolski and the Regional Director for Environmental Protection in Wrocław, dated 14 July 2017 (Official Journal of Lubuskie Province 2017, item 1642). The area of the planned mooring line, covering only a small area of the river between the groins, is not a place important to passing-by birds, middle spotted woodpecker or white stork, so also to the specimens of birds under protection by the said Natura 2000 area. It is situated in an area deemed to be important to nesting birds. A survey conducted from September 2017 to May 2018 has revealed two bird species protected in that Natura 2000 area, which live near the project site: black kite and red

kite. However, the specimens were evaluated as non-nesting (feeding, resting) or passing by (observed only while flying). The construction of the facility does not entail any change in the areas it will occupy; there already exists a mooring line, and the local natural habitats and feeding grounds are also widely represented in the neighbouring areas. In addition, the project site includes no special activities carried out to actively protect birds and their habitats, or to maintain or modify the management methods. The protective action plan does also not identify any existing or potential threats to the protected species of birds and their habitats, which may be caused by the construction or operation of Kunice mooring site at km 572.0 of the Oder river.

The Natura 2000 area 'Pliszka River Valley' (PLH080011) has a protective action plan established by order of the Regional Director for Environmental Protection in Gorzów Wielkopolski dated 10 January 2014 (Official Journal of Lubuskie Province 2014, item 184), amended in 2016.

The protective action plan does not identify any existing or potential threats to the protected natural habitats or animal species and their habitats, which may be caused by the construction or operation of Kunice mooring site. The potential threats include dredging works (transformation of the natural character of the habitat – the river), but only for habitat No. 3260 'Water courses of plain to montane levels with the *Ranunculion fluitantis*, which in this Natura 2000 area relates to Pliszka river and Konotop stream. In addition, the project site includes no special activities aimed to actively preserve the protected natural habitats or animal species and their habitats, or to maintain or modify the management methods. The survey of the natural habitats existing at that station has only revealed a small vegetative patch including the species characteristic of the Natura 2000 habitat o. 3270 'Rivers with muddy banks', which is not protected by this area, and additionally is residual and poor in species.

The Oder is a navigable river, and the new infrastructure and local dredging of the channel bed will be used to improve the efficacy of rescue operations (ice-breaking), and cause no change in the water conditions in the channel or valley of the river. Despite previous transformations of the Oder river channel (construction of groins), maintenance works (milling) and water transport, the value of the natural habitats existing at the river was high, and the aforesaid Natura 2000 areas were established. No intentional deterrence of animals is required to start or carry out the project. During the project, the impact will involve the presence of people and machinery and the execution of works. This unintentional impact will be short in time, limited to the construction period and locally restricted. It will depend on a random, unpredictable and unlikely presence of protected species near the project. We may assume that this, even if accumulated with the field works or water traffic, will not be anything new for the animals, which would scare them off at a scale causing a threat to protected species at the project site and in the whole Natura 2000 area.

The construction and operation of the mooring facilities (groins, piled steel jetties and stairs) will not cause a permanent change in the management and use of the space, which implies preservation of the condition of development existing when the Natura 2000 area was established. The project does also not introduce any impact important to the protected natural habitats or other animal species, in particular fish and lampreys: brook lamprey, spined loach and European bullhead. In the main channel of the Oder river, on or around the project site,

these species are common (spined loach) or do not exist whatsoever (brook lamprey, European bullhead). During the erection of groins, the interference in riverbed structure will only be local, to cover a 90 m section, outside the inter-groin areas and near the main current, and will not affect the flow conditions or the quality of water in the Oder river.

The scope of using the environment and the scope of impacts, which the investor has presented, do not require, directly for the execution of the project and the operation of the facility (for the habitats of animals, including birds, and for protected natural habitats), reducing the area of the habitats or deteriorating their structures, or removing or reducing the area of such habitats.

The project does not require and will not cause a change in the population of local animals or any of the protected species, especially the population existing in the entire Natura 2000 area. There will be no change in their living space, which could eliminate the areas for shelters, preying, mating or reproduction.

The project to be carried out in the Natura 2000 area:

- will not affect any crucial processes or relations shaping the local structure;
- will not alter the matched pairs or groups of species or the fragmentation of natural habitats;
- will not disturb any ecosystem relations;
- will not intensify any threat to the maintenance of adequate conservation status of natural habitats or species and their habitats;
- will not cause any migration barrier.

To summarise, it has been found that the impact caused by the project location and scale will be local and irrelevant in terms of the protection objective of the Natura 2000 area.

The project location (Kunice station) is covered by the planned wildlife corridor 'Ziemia Lubuska North' which was created based on distribution of selected bio-indicators to maintain the continuity of environmentally valuable areas and biological diversity at genetic and ecosystem levels, and their migration routes (source: <http://geoserwis.gdos.gov.pl>). The Pławidło station is situated 4.2 km from that corridor. Considering the above-specified impacts of the project during execution and operation stages, we may conclude that the construction of the icebreaker mooring site will not reduce the local or supra-local migration potential in the Oder river valley, and will certainly not create a migration barrier for animals.

The decision to waive the environmental impact assessment was also preceded by a reference to aggregated environmental protection circumstances specified in Article 63(1) of the EIA Act, that is the type, characteristics and location of the project, including a possible threat to environmental protection, and the type and scale of possible impact with reference to the natural conditions of the closest large-scale forms of environmental protection.

Referring the project to the possible activities aggregated with the modernisation and construction of roads and river walls, which will be built upstream and downstream of the project site, at a section of the free-flowing Oder river, we may anticipate that these structures will not generate any substances or energy that would induce a modification of environmental processes or the exchange of energy and matter at the extremes of the Oder river and its valley. They will be point (at most local) impacts, and the related works will be coordinated.

The results of environmental survey, illustrated and described in the PIS, indicate that the

area of works or its immediate surroundings include no sites of protected species of plants, fungi, amphibians or insects. In the near future, up to 250 m from the work site, there lived specimens of birds, which were certainly or probably nesting birds, that is the barred warbler, red-backed shrike, bluethroat and great reed warbler, as well as reproduction sites of the European fire-bellied toad, common toad and a complex of green frogs. Environmental nuisance caused by the construction will be short in time and gradually disappearing, and the environmental transformation scale will be local.

The nearby surroundings of the project are home to diverse and adequate habitats for the animals presently living at the project site, which may be temporary or target habitats during the works, and at the operation stage, the animals will certainly return to their previous sites. On the bank of the Oder river, near Kunice station, we have found two positions of plants covered by partial protection: dwarf everlast *Helichrysum arenarium*, composed of more than ten specimens. Even a destruction of those specimens due to the project will not affect the local or, all the more, regional or country-wide population of this species. The plant is common in Poland (on lowlands) and grows in various locations on sandy and dry soils, such as fallow fields, embankments, roadsides, wasteland or dunes. Furthermore, once facility is built, the plant can return to the reinforced bank (adaptation).

Considering the results and conclusions of the project impact on the objects protected in the Natura 2000 area, the aforementioned nature of impact, the insignificant natural assets of the affected area, the universality of local animals, and the above-mentioned solutions to protect the environment, presented by the investor, at the present stage we have found no representatives of protected species or protected habitats, to which the project could pose a threat, and which would make it necessary to assess such a threat and to formulate non-standard requirements not provided for by environmental regulations. Further, there is no need to formulate requirements for the conservation of species of animals, plants or fungi, which would go beyond the relevant legal solutions. We have found no sensitive sanctuaries or sites of other wild animals which would be related by ecosystem to the objects protected in the Natura 2000 area, and which would require any special requirements, not stated in environmental regulations, that would need to be formulated in the environmental impact assessment. The project site is not a local (and all the more regional) sanctuary of fauna or a unique place of its existence, beyond which individual specimens or groups of specimens could not live, and whose transformation or functional alteration (which is not planned) would adversely affect the protection and condition of nature in the area.

The construction of the icebreaker mooring facility will cause impacts of such a scale that will not disturb the environmental balance, which do not require an environmental impact assessment or taking untypical preventive or mitigating actions. The project scale also does not require compensation measures.

We have found no circumstances that would require the assessment or any uncertainty as to the scope of the impact on nature protection. The environmental protection solutions will meet the nature protection criteria, both at the project site and within its reach.

The project will be executed within one surface water body (JCWP) and two ground water bodies (JCWPd):

- PLRW60002117999 The Oder River from the Nysa Łużycka to the Warta – a monitored, heavily modified water body with a poor condition; environmental objective: good ecological potential, possibility of migration of aquatic life at the section of the important watercourse, good chemical condition. Risk of non-achieving the environmental objectives: exists; a deadline extension was allowed to achieve the environmental objective – the deadline to achieve a good water condition was set at 2027. This part of water body is not intended for water intake for the purposes of providing water for human consumption, nor is it intended for leisure purposes, including swimming. The water body is an area of habitat or species protection, where the maintenance or improvement of their condition is an important protection factor.
- PLGW600040 – monitored; chemical condition: good; quantitative status: good; environmental objective: maintaining a good chemical condition and quantitative status; risk of non-achieving the environmental objectives: no risk. This water body is not subject to any derogation under Articles 4.4 and 4.5 of the Water Framework Directive. A part of the water is intended for water intake for the purposes of providing water for human consumption.
- PLGW600058 – monitored; chemical condition: good; quantitative status: good; environmental objective: maintaining a good chemical condition and quantitative status; risk of non-achieving the environmental objectives: no risk. This water body is not subject to any derogation under Articles 4.4 and 4.5 of the Water Framework Directive. A part of the water is intended for water intake for the purposes of providing water for human consumption.

The project site is located close to a Primary Groundwater Reservoir called 'Dolina Kopalna Wielkopolska (PGR No. 144).

The potential impacts implied by the construction works to be executed in the area of the surface water body will be minor and will not permanently deteriorate the biological, physico-chemical or hydro-morphological elements. The analysis of whether the project may affect the possibility to achieve environmental objectives, as presented in the documentation, was conducted by the Investor with due regard to currently available monitoring information regarding the condition of water (data provided by the Provincial Inspectorate for Environmental Protection, from 2017 for the JCWP and from 2016 for the JCWPd).

Neither the construction nor the operation of the facility will cause the inflow of contaminants to the groundwater, so it will not impair the condition of that groundwater body. Given the scope and scale of the project, it will not adversely affect the possibility to achieve the environmental objectives set in the applicable water management plan in the Oder catchment area for the surface and ground water bodies. The impacts implied by the project execution will mainly occur at the construction stage, and will short and temporary. They will particularly entail a temporary impairment of the physical condition of water due to delivery of fine fractions caused by re-deposition of bottom sludge and re-inclusion of suspended matters during the vibration of dolphins and a possible failure and contamination of water during the operation of machinery and equipment in the river channel (e.g. fuel leakage).

The project will not change the width or profile of the river channel. The only interference in

this regard may arise from required auxiliary dredging works, which are to provide an adequate depth in the icebreaker mooring area.

The planned Pławidło mooring facility is not situated near any measuring points, which would allow checking the quality of bottom sludge, while the bottom sludge quality at Kunice station may only be determined indirectly, based on the observation point located on the Oder river in Świecko. According to the PIS, the values of the indicators observed in that location are higher compared to their geochemical background, which applies in particular to mercury, arsenic, chromium, zinc and lead.

In accordance with Article 16(32)(c) of the Water Law, the JCWP No. PLRW60002117999 is an area sensitive to eutrophication caused by municipal contaminants, and an area intended for the protection of habitats or species, as referred to in the Nature Conservation Act of 16 April 2004, where the maintenance or improvement of water condition is an important protection factor (Article 16(32)(d) of the Water Law). The project will have no adverse effect on the possibility to achieve the environmental objectives for the mentioned areas.

The scope of impact of the planned project will be diverse, and will be mostly temporary, depending on the construction works. Given the project nature, the most serious environmental impact will occur during execution. The impact will be mostly caused by the emission of noise and air pollution generated by the machinery and equipment required to prepare the site and settle the dolphins. However, due to a relatively short duration of works, this impact will not be relevant to the environment.

The operation stage will not entail any significant impacts. Once the project is completed, the ice-breaking operations will generate pollution due to fuel combustion in the icebreaker engines, and emit noise due to the operation of those engines and the breaking of ice.

Given the requirements stipulated in the Water Framework Directive, the Investor (both at the execution and operation stages) should maintain a good condition/potential of water. Therefore, the actions taken by the Investor should ensure achievement of the environmental objectives referred to in Articles 56, 57, 59 and 61 of the Water Law.

The facility will not change the local climate, neither during construction nor during operation.

The planned project is not classified as a plant posing a risk of major industrial accident within the meaning of Article 248 of the Environmental Protection Law of 27 April 2001 (consolidated text: [Dz. Polish Journal of Laws 2018, item 799, as amended]), nor is it entered into the list of facilities referred to in Article 135(1) of the said Law, for which limited use areas may be established. There are also no grounds to indicate a risk of a major natural or construction disaster. Although the planned project will be carried out in an immediate vicinity of a border between the Republic of Poland and the Federal Republic of Germany, given its scope and scale, there is no risk of a cross-border impact on the environment.

Having read the application and the project information sheet, and having analysed the direct and indirect effects of the activities involved by the project and the conditions of project execution according to the submitted application, considering the conditions stipulated in Article 63(1) of the EIA Act as well as the scale and nature of the project, there is no risk that the project

will have a significant adverse effect on the environment.

p.p. Mayor
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