

Zielona Góra, 25 February 2020

DW.1.7131.3.2020

date 04. 03. 2020

No ZPOM.28.2020 Signature 

DECISION

Pursuant to Article 104 of the Law of 14 June 1960 – Code of Administrative Procedure (consolidated text: Journal of Laws of 2018 item 2096, as amended), in conjunction with Article 9a(1) and (3) of the Act of 13 October 1995 Hunting Law (consolidated text Journal of Laws of 2020, item 67) and section 1(1)(2s) of the Regulation of the Minister of the Environment of 11 March 2005 on establishing the list of game species (Journal of Laws of 2005, No. 45, items 433 and 434), having examined the application of 14.01.2020, ref.: POPDOW- ZPT. 071.3.2020 from Krystyna Araszkiwicz Sweco Consulting Sp. z o. o. ul. Łyskowskiego 16 71-641 Szczecin, acting under the power of attorney of the State Water Management Polish Waters The Regional Water Management Authority in Szczecin ul. Tama Pomorzańska 13 A 70 - 030 Szczecin, taking into account the opinion of 04.02.2020, ref.: L.dz.107/B/WHKtiS/2020 issued by the Polish Hunting Association in Warsaw,

I hereby allow

Krystyna Araszkiwicz Sweco Consulting Sp. z o. o. ul. Łyskowskiego 16 71-641 Szczecin, acting under the power of attorney of the State Water Management Polish Waters The Regional Water Management Authority in Szczecin ul. Tama Pomorzańska 13 A, 70 - 030 Szczecin to perform the action of game disturbance for the species: mallard (*Anas platyrhynchos*), in connection with the intention to implement the planned project involving the construction of mooring facilities for icebreakers (in the form of dolphins located outside the shipping route) on Lower and Border Odra and new marking of the shipping route at 607.5 km of the river Odra, to be carried out in Ługi Górzyckie, Górzyca commune.

1. Wild animal disturbance activities will take place on registered plot no. 183, locality 0001 Górzyca, Słubice district, Lubuskie province.
2. The investor or the investor's representative shall notify the issuing authority of the date of investment commencement in writing, no later than 14 days before the investment starts.
3. In the course of investment implementation, disturbance will take place due to the presence of people participating in the investment process and noise: movement of heavy equipment and machinery, operation of equipment directly related to the conducted works.
4. In the event of any damage caused as a result of game disturbance, the injured party may file claims against the investor in the course of civil law proceedings

including referring the case to court through a competent common court.

5. To assess the implementation conditions resulting from the need to protect populations of game species and their habitats, possible negative impact or minimisation of the impact of investment on game species, creating conditions for the safe existence of game:

5.1 in the area of investment implementation (Article 9a (3)(4) of the Hunting Law), supervision over the disturbance of game is entrusted to the Ośno Lubuskie Forest Inspectorate.

5.2 the investor will appoint an environmental supervision team who will assess game habitats before the investment begins and after its completion, and, additionally, if there is a necessity to perform assessment at the request of the person issuing the permit on the basis of control activities.

6. The following persons will be authorized to carry out checks of the issued permit in the field:

6.1 Ośno Lubuskie Forest Inspectorate manager.

6.2 authorized employees of the office of the Lubuskie Province Marshal.

7. The recipient of the permit is obliged to immediately notify the issuing authority in the event of its early use.

8. The permit holder will submit a report to the permit issuer within 30 days of its use.

9. In order to ensure the correct use of the permit for a derogation from the ban on disturbing game, the Marshal of the Lubuskie Province checks whether the conditions set out in the permit issued are complied with and in the event of non-compliance, revokes the permit (Article 9 a (4) in connection with Article 44 (12) of the Hunting Law).

10. The permit is valid from 01 September 2020 to 31 December 2021.

Justification

With the application of 14 January 2020 ref.: POPDOW-ZPT.071.3.2020, Krystyna Araszkiwicz Sweco Consulting Sp. z o. o. ul. Łyskowskiego 16 71-641 Szczecin, acting under the power of attorney of the State Water Management Polish Waters The Regional Water Management Authority in Szczecin ul. Tama Pomorzańska 13 A 70 - 030 Szczecin, requested a permit from the Marshal of the Lubuskie Province to perform the action of game disturbance for the species: mallard (*Anas platyrhynchos*), in connection with the intention to implement the planned project involving the construction of mooring facilities for icebreakers (in the form of dolphins located outside the shipping route) on Lower and Border Odra and new marking of the shipping route at 607.5 km of the river Odra, planned for implementation in Ługi Górzyckie, Górzycza commune, and the game disturbance activities will take place on registered plot no. 183, locality 0001 Górzycza, Słubice district, Lubuskie province.

The following documents were attached to the application:

1. A topographic map with the investment location marked.
2. Confirmation of payment of stamp duty for issuing the permit and power of attorney in the matter.
3. Notary certification Power of Attorney of 28.05.2019, ref.: SZ.ROO.012.98.2019.MG.
4. Environmental permit of 5 April 2019, ref. GWOŚ. 6220.12.10.2018 issued by the Head of the Górzycza commune.

In accordance with art. 9a (1) of the Hunting Law, having consulted the Polish Hunting Association, the marshal of the province may allow a derogation from the ban on game disturbance. The permit may be issued in the absence of alternative solutions and if it is not detrimental to the conservation of wild game populations. Pursuant to the Regulation of the Minister of the Environment of 11 March 2005 on establishing the list of game species (Journal of Laws of 2005, No. 45, item 433 and 434), the mallard (*Anas platyrhynchos*) is a game species.

By the letter of 21.01.2020, ref.: DW.1.7131.3.2020, pursuant to section 86(12) of the Statute of the Polish Hunting Association constituting an Attachment to the resolution of the XXIV National Convention of PHA Delegates of 16 February 2019, pursuant to the provisions of Art. 9a(1) of the Hunting Law, the Management Board of the Polish Hunting Association in Warsaw was asked for an opinion on the matter. By the letter of 04.02.2020, ref.: Ldz. 107/B/WHKŁIS/2020 The Polish Hunting Association in Warsaw gave a positive opinion regarding the issue of the permit in question, while also declaring that no game animals would suffer as a result of the undertaken actions and there is no alternative to carrying out the project activities. The director of the Regional Directorate of State Forests in Szczecin, the Ośno Lubuskie Forest Inspectorate manager, and the chairman of the District Board of the Polish Hunting Association in Gorzów Wlkp. did not raise any objections or reservations in this matter.

In view of the above, taking into account the analyses carried out, issuing a permit for a derogation from the ban on disturbing the abovementioned game animals in connection with project implementation is fully justified.

Instruction

Parties may appeal against the permit to the Self-government Appeals Court in Zielona Góra through my office, within 14 days of the date of permit receipt.

Pursuant to Article 127a of the Code of Administrative Procedure, I inform you that a party may waive the right to appeal against the authority that issued the decision, and that

the decision shall become final and binding on the date the authority receives the statement of waiver of the right to appeal from the last of the Parties to the proceedings.



P.p. Province Marshal
Wojciech Kozieja
Director of the Department of Agriculture, Natural
Resources, Fisheries and Rural Development

Recipients:

1. Krystyna Araszkievicz, Sweco Consulting Sp. z o.o.,
ul. Łyskowskiego 16
71-641 Szczecin

2. District Board of the Polish Hunting Association
in Gorzów Wielkopolski
ul. Kosynierów Gdyńskich 20 G
66-400 Gorzów Wlkp.

3. Regional Directorate of State Forests
in Szczecin
ul. Juliusza Słowackiego 2
71 -434 Szczecin

4. Ośno Lubuskie Forest Inspectorate
ul. Rzepińska 11
69 - 220 Ośno Lubuskie

5. To files

The stamp duty in the amount of PLN 82.00 and payment for granting the power of attorney in the amount of PLN 17 was paid on 13.01.2020 to the account of the Zielona Góra City Hall, operation: stamp duty Parking places - Ługi application - fee for ban waiver - game species - !B.3/2- Ługi. The above is in accordance with the Act of 16 November 2006 on stamp duty (consolidated text Journal of Laws of 2019, item 1000, as amended), an attachment to the act art. 1(1)(1c), part III No. 44 point 2 - permission other than those listed in this attachment (permit, license): other and art. 1(1)(2) part IV.

a/c

Zielona Góra, 18 March 2020

Ref no.: DW.1.7131.3.2020

WYSŁANO
19-03-2020

SENT
19-03-2020

DECISION

With confirmation of delivery

The Marshal of the Lubuskie Province, acting ex officio,

based on Article 113 § 1 of the Code of Administrative Procedure (Journal of Laws of 2018, item 2096, as amended), in connection with Article 9a paragraph 3 point 1 of the Hunting Law Act of 13 October 1995 (Journal of Laws of 2020, item 67) on the permit to disturb game

decides:

to correct a mistake in the decision of the Marshal of the Lubuskie Province of 25 February 2020, ref. no.: DW.1.7131.3.2020 on the permit to perform the action of game disturbance for the species: mallard (*Anas platyrhynchos*), in connection with the intention to implement the planned project involving the construction of mooring facilities for icebreakers (in the form of dolphins located outside the shipping route) on Lower and Border Odra and new signage for shipping route at 607.5 km of the river Odra, to be carried out in Ługi Górzyckie, Górzyca commune, in the following way:

in the decision statement, the words "I allow Krystyna Araszkiwicz of Sweco Consulting Sp. z o.o., ul. Łyskowskiego 16, 71-641 Szczecin" shall be replaced by the words "I allow State Water Management Polish Waters The Regional Water Management Board in Szczecin, ul. Tama Pomorzańska 13 A, 70-030 Szczecin".

Justification

With the decision of 25 February 2020, ref. no.: DW.1.7131.3.2020, the Marshal of the Lubuskie Province gave his permission for the action of game disturbance for the species: mallard (*Anas platyrhynchos*), in connection with the intention to implement the planned project involving the construction of mooring facilities for icebreakers (in the form of dolphins located outside the shipping route) on Lower and Border Odra and new signage for shipping route at 607.5 km of the river Odra, to be carried out in Ługi Górzyckie, Górzyca commune.

In accordance with Article 113(1) of the Code of Administrative Procedure, a public administration authority may correct *ex officio* any typographical or calculation errors or other obvious errors made in its decisions.

Wherefore, it has been ordered that the error be corrected.

The parties may lodge a complaint against this order with the Self-government Appeals Court in Zielona Góra, within 7 days of the date the order was served, through the Marshall of the Lubuskie Province.



Recipients:

1. State Water Management Polish Waters
The Regional Water Management Authority
in Szczecin
ul. Tama Pomorzańska 13 A
70-030 Szczecin
2. Krystyna Araszekiewicz, Sweco Consulting Sp. z o.o.,
ul. Łyskowskiego 16
71-641 Szczecin
3. District Board of the Polish Hunting Association in
Gorzów Wielkopolski
ul. Kosynierów Gdyńskich 20 G
66-400 Gorzów Wlkp.
4. Regional Directorate of State Forests in Szczecin
ul. Juliusza Słowackiego 2
71 -434 Szczecin
5. Ośno Lubuskie Forest Inspectorate
ul. Rzepińska 11
69 - 220 Ośno Lubuskie
6. To files

A handwritten signature in blue ink, consisting of stylized letters, located at the bottom left of the page.