



# MINISTER OF ENVIRONMENT

Warsaw, 8 October 2019



Date

14. 10. 2019

DOP- WPN.436.164.2019.ŁN

997731.3034781.2303313

No. ZPT.011.154.2019

Signature

## DECISION

Pursuant to Article 56 paras. 2b, 4(1) and 7 of the Nature Conservation Act of 16 April 2004 (Polish Journal of Laws 2018, item 1614, as amended), and Article 104(1) of the Code of Administrative Proceedings of 14 June 1960 (Polish Journal of Laws 2018, item 2096, as amended), having examined the application of 12 July 2019, ref. POPDOW-ZPT.073.9.2019, filed by Sweco Consulting Sp. z o.o. represented by Ms Krystyna Araszkiwicz, for derogation from certain prohibitions applicable to protected species,

### **I allow the applicant to derogate from the prohibitions.**

This permit repeals the prohibitions referred to in § 6 of the Regulation of the Minister of Environment of 16 December 2016 on the protection of animal species (Polish Journal of Laws, item 2183):

1. for the following species:

- 1.1. green snaketail (*Ophiogomphus cecilia*) – 20 specimens;
- 1.2. common carder bee (*Bombus pascuorum*) – 10 specimens;
- 1.3. Roman snail (*Helixpomatia*) – 30 specimens,

- deliberate killing,
- deliberate destruction of eggs or growing forms,
- destruction of habitats or sanctuaries being the sites of breeding, rearing, resting, migration or feeding,
- destruction, removal or damaging of nests,
- deliberate scaring off or disturbance (with regard to the species specified in 1.1),

2. for the following species:

- 2.1. river lamprey (*Lampetra fluviatilis*) – 5 specimens;
- 2.2. white-finned gudgeon (*Romanogobio albipinnatus*) – 5 specimens;
- 2.3. spined loach (*Cobitis taenia*) – 20 specimens;
- 2.4. European weatherfish (*Misgurnus fossilis*) – 5 specimens;
- 2.5. European bitterling (*Rhodeus amarus*) – 10 specimens,

- deliberate killing,
- deliberate mutilation,
- destruction of habitats or sanctuaries being the sites of breeding, rearing, resting, migration or feeding,
- deliberately preventing access to shelters,

3. for the following species:

- 3.1. edible frog (*Pelophylax esculentus*) – 20 specimens;
- 3.2. marsh frog (*Pelophylax ridibundus*) – 20 specimens;
- 3.3. common frog (*Rana temporaria*) – 20 specimens;

- 3.4. grass snake (*Natrix natrix*) – 5 specimens;
- 3.5. viviparous lizard (*Zootoca vivipara*) – 5 specimens,
- deliberate killing,
- destruction of habitats or sanctuaries being the sites of breeding, rearing, resting, migration or feeding,
- deliberate scaring off or disturbance,
- 4. for the following species:
  - 4.1. mallard (*Anas platyhynchos*);
  - 4.2. common wood pigeon (*Columbia palumbus*);
  - 4.3. great spotted woodpecker (*Dendrocopos major*);
  - 4.4. barn swallow (*Hirundo rustica*);
  - 4.5. common house martin (*Delichon urbicum*);
  - 4.6. white wagtail (*Motacilla alba*);
  - 4.7. European robin (*Erithacus rubecula*);
  - 4.8. common redstart (*Phoenicurus ochruros*);
  - 4.9. common blackbird (*Turdus merula*);
  - 4.10. fieldfare (*Turdus pilaris*);
  - 4.11. song thrush (*Turdus philomelos*);
  - 4.12. Eurasian blackcap (*Sylvia atricapilla*);
  - 4.13. common chiffchaff (*Phylloscopus collybita*);
  - 4.14. Eurasian blue tit (*Cyanistes caeruleus*);
  - 4.15. great tit (*Parus major*);
  - 4.16. short-toed treecreeper (*Certhia brachydactyla*);
  - 4.17. magpie (*Pica pica*);
  - 4.18. western jackdaw (*Corvus monedula*);
  - 4.19. hooded crow (*Corvus cornix*);
  - 4.20. common starling (*Sturnus vulgaris*);
  - 4.21. sparrow (*Passer domesticus*);
  - 4.22. common chaffinch (*Fringilla coelebs*);
  - 4.23. greenfinch (*Chloris chloris*);
  - 4.24. European goldfinch (*Carduelis carduelis*);
  - 4.25. common linnet (*Linaria cannabina*);
  - 4.26. common reed bunting (*Emberiza schoeniclus*);
  - 4.27. marsh warbler (*Acrocephalus palustris*);
  - 4.28. European serin (*Serinus serinus*),
- deliberate scaring off or disturbance in night-time shelters, in breeding season in breeding or rearing areas, or in feeding areas, of the groups of migrating or wintering birds, provided that I do not specify the number of specimens concerned.

This permit remains valid until 31 May 2023 in the area of Warta Mouth National Park, plot no. 2/3, precinct 006 Stare Miasto, Kostrzyn nad Odrą commune, within the boundaries of the project involving the reconstruction of a road bridge over Warta river, running along National Road 31. The prohibited activities will be performed by the construction works contractor which is to rebuild the said road bridge.

Pursuant to Article 56(7)(8) of the Nature Conservation Act, I determine the time limits to submit a report on how this permit has been used:

- 1) annual report for the year when the permit was used: until January 31<sup>st</sup> of the following year;
- 2) final report: within one month from the expiry of this permit or from the waiver to use it.

Further, pursuant to Article 56(7)(9) of the Nature Conservation Act, I set the following conditions for derogation from the prohibitions:

- 1) minimise interference in the habitats of wild fungus, plant and animal species, not concerned by the works;
- 2) the killing of these species is permitted only if the proper effect of this decision may not be achieved otherwise;
- 3) protect the project site in a way to prevent vertebrates from entering it, which may lead to their trapping and death;
- 4) in the oxbow area, protect the habitats of amphibians against possible burying;
- 5) create the embankment of the provisional bridge in such a way to minimise any damage to amphibians and reptiles;
- 6) any native bivalve species that appear during the works conducted in the channels of Warta and Postomia must be removed to water, in such locations that they are not exposed to damage caused by the project;
- 7) to protect the oxbow from drying, intensified by the provisional bridge embankment, make a pipe culvert in the embankment to supply the oxbow with water during swelling;
- 8) the works carried out at the oxbow must be supervised by a herpetologist to move any amphibians that appear in the area;
- 9) ensure ornithological supervision to prevent any damage in the habitats and populations of birds living at the oxbow and Postomia river;
- 10) any matters not regulated herein shall be governed by the provisions of the relevant environmental permit.

### **REASONS**

Pursuant to Article 107(4) of the Code of Administrative Proceedings, the statement of reasons is hereby waived.

## INSTRUCTION

Pursuant to Article 127(3) and Article 129(2) of the Code of Administrative Proceedings of 14 June 1960, I instruct that this decision may be appealed against by any party to the proceedings. A party dissatisfied with this decision may apply to the Minister of Environment for reconsideration of the case within 14 days of the date this decision was served. I further instruct that pursuant to Article 127a of the said Code, the party may within the same time waive its right to lodge such application. On the date the Minister of Environment receives such statement of waiver, this decision shall become final and binding, and may not be legally complained against.

Pursuant to Article 52(3) and Article 53(1) of the Act of 30 August 2002 on proceedings before administrative courts (Polish Journal of Laws 2018, item 1302, as amended), a party may refrain from applying for reconsideration of the case and lodge a complaint against this decision with the Provincial Administrative Court in Warsaw through the Minister of Environment, within 30 days of the date the decision was received. Pursuant to § 2(3)(3) of the Regulation of the Council of Ministers of 16 December 2003 on the amount and specific rules of collecting a court fee in proceedings before administrative courts (Polish Journal of Laws No. 221, item 2193), in conjunction with Article 230 of the Act on proceedings before administrative courts, the court fee for filing the complaint shall be PLN 200. Further, in accordance with Article 243 and Article 244 of the cited Act, at the party's request filed with the administrative court, the party may be given the right of aid, which includes an exemption from all or a part of court costs and/or assigning an advocate, attorney-at-law, legal advisor or patent agent.

*P.p. the Minister of Environment*

Wojciech Hurkała Deputy Director of the  
Environmental Protection Department

/- secure electronic signature  
verifiable with a valid qualified certificate/

To be delivered to the party: Sweco Consulting Sp. z o. o.  
Copy to: Warta Mouth National Park

**I certify conformity of this copy with the electronic document:**

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