REGIONAL DIRECTOR
FOR ENVIRONMENT PROTECTION
IN GORZÓW WIELKOPOLSKI

Gorzów Wlkp., 05 August 2019

SWECO
WPŁYNĘŁO
Date 08.08.2019
No. ZPT. 011.133.2019 Signature.

WPN-I.6401.248.2019.KS

DECISION

Pursuant to Article 104(1) of the Law of 14 June 1960 – Code of Administrative Procedure (Journal of Laws 2018, item 2096, as amended) and Article 56 section 2(1) and (2) and section 4(3), (6) and (7), in conjunction with Article 52(1)(1), (2), (3), (7), (8), (9), (12) and (13) of the Nature Conservation Act of 16 April 2004 (Journal of Laws 2018, item 1614, as amended), and § 6 paragraph 1(1), (3), (7) and (9) and paragraphs 2 and 3 of Regulation of the Minister of Environment of 16 December 2016 on conservation of animal species (Journal of Laws 2016, item 2183), having examined the application filed by Ms Krystyna Araszkiewicz of Sweco Consulting Sp. z o.o., ul. Łyskowskiego 16, 71-641 Szczecin, representing the investor, State Water Management Polish Waters The Regional Water Management Board in Szczecin, ul. Tama Pomorzańska 13A, 70-030 Szczecin (power of attorney no.: SZ.R00.012.98.2019.MG dated 28 May 2019), dated 27 May 2019, ref.: POPDOW- ZPT.073.8.2019 (received on 29 May 2019), supplemented with the correspondence of
11 July 2019, ref.: POPDOW-ZPT.073.8.1.2019 (received on 15 July 2019), dated
12 July 2019, ref.: POPDOW-ZPT.073.8.2.2019 (received on 16 July 2019) and 19 July 2019 (date of receipt: 19 July 2019), for granting permit for certain actions banned for the protected species,

I hereby allow

State Water Management Polish Waters The Regional Water Management Authority in Szczecin, ul. Tama Pomorzańska 13A, 70 - 030 Szczecin, to perform the following activities, i.e.

- **ENTOMOFAUNA AND TERRESTRIAL MOLLUSCS**
  1) intentional, incidental killing, wilful destruction of eggs or growing forms, destruction of nests and destruction of habitats or refuges that are sites for breeding, rearing, resting, migration or feeding for the common carder bee species *Bombus pascuorum* (10 spcs.),
  2) intentional, incidental killing, intentional destruction of eggs or growing forms, and destruction of habitats or refuges that are the sites of breeding, rearing, resting, migrating or feeding for the Burgundy snail species *Helix pomatia* (30 spcs.),

3) deliberate destruction of habitats or refuges that are the sites for breeding, rearing, resting, migrating or feeding, and deliberate intrusion or disturbance of 20 spcs. of the green snaketail *Ophiogomphus cecilia*,

- **ORNITOFAUNA**

1) destruction of habitats or refuges that are breeding, rearing, resting or foraging areas, and deliberate disturbance or intrusion in night-time habitats during the breeding season at sites of breeding or rearing, or at sites of feeding of species, i.e.
    - barn swallow *Hirundo rustica* (20 pairs),
    - common house martin *Delichon urbicum* (30 – 35 pairs),
    - common starling *Sturnus vulgaris* (3 pairs),
    - black redstart *Phoenicurus ochruros* (1 pair),
2) destruction of nests of species, i.e.
    - barn swallow *Hirundo rustica* (3 nests),
    - common house martin *Delichon urbicum* (15 nests),
    - common starling *Sturnus vulgaris* (1 nest),
    - black redstart *Phoenicurus ochruros* (1 nest),

on plots with registration numbers: 62, 64, 2/1 locality Stare Miasto and 394/57, 346/11, 345/3, 345/1, 345/2, 344, 268/2, 347, 348/1, 349, 350, 394 / 36, 394/39, 394/40, 394/42, locality 0004 Śródmieście, the commune of Kostrzyn nad Odrą, Gorzów district, Lubuskie province,

3) destruction of habitats or refuges that are the sites of breeding, rearing, resting, or feeding and destruction of two nests of species from the passerine order *PASSERIFORMES*, located on the maple tree entered on the list of trees for removal under no. 161, growing on plot no. 64, locality 0006 Stare Miasto, the commune of Kostrzyn nad Odrą, Gorzów district, Lubuskie province,

- **ICHTIOFAUNA**

intentional, incidental killing, injuring, destruction of habitats or sanctuaries being breeding or feeding areas, and intentionally preventing the access to refuges for the following species:
    - river lamprey *Lampetra fluviatilis* (5 spcs.),
    - white-finned gudgeon *Romanogobio albipinnatus* (3-5 spcs.),
    - spined loach *Cobitis taenia* (20 spcs.),
    - European weatherfish *Misgurnus fossilis* (5 spcs.),
    - European bitterling *Rhodeus amarus (Rhodeus sericeus)* (10 spcs.),

on plot number 2/1, locality Stare miasto, the commune of Kostrzyn nad Odrą, Gorzów district, Lubuskie province,

under the following conditions:

1. the aforesaid activities must be supervised by the Environmental Team of the construction works Contractor;
2. for ichtiofauna, the works must be carried out outside of the spawning and spawn incubation season, i.e. from 1 March to 30 June;
3. in the case of ornithofauna, the abovementioned works will commence after the ornithologist confirms that the abovementioned habitats/nests are not occupied by the abovementioned species of birds during the breeding season, which should be documented by means of a note; as part of natural compensation, nesting boxes should be installed under the supervision of the ornithologist in places, quantities and time indicated by them,

in connection with the necessity to implement the planned investment titled *"Expansion of national road no. 31 as part of the task titled: "Demolition and construction of the road bridge at 107+211 km of national road no. 31 in Kostrzyn nad Odrą (at 2.45 km of the river Warta) implemented as part of the Odra-Vistula Flood Management Project "Task IB.5 Reconstruction of bridges to ensure a minimum clearance".*

This permit is valid from 01 March 2020 to 31 May 2023.

I further oblige the Applicant to provide the Regional Director for Environment Protection in Gorzów Wielkopolski with a report on the extent to which this permit has been used, **until 30 June 2023.** The report must refer the number of this decision.

STATEMENT OF REASONS

By the letter dated 27 May 2019, ref.: POPDOW-ZPT.073.8.2019 (received on 29 May 2019), supplemented with the correspondence of 11 July 2019, ref.: POPDOW-ZPT.073.8.1.2019 (received on 15 July 2019) of 12 July 2019, ref.: POPDOW-ZPT.073.8.2.2019 (received on 16 July 2019) and of 19 July 2019 (date of receipt: 19 July 2019), Ms Krystyna Araszkiewicz of Sweco Consulting Sp. z o.o., ul. Łyskowskiego 16, 71-641 Szczecin, representing the investor, State Water Management Polish Waters The Regional Water Management Authority in Szczecin, ul. Tama Pomorzańska 13A, 70-030 Szczecin (power of attorney no.: SZ.ROO.012.98.2019.MG of 28 May 2019), applied to the Regional Director for Environment Protection in Szczecin for a permit for: intentional, incidental killing, willful destruction of eggs or growing forms, destruction of nests and destruction of habitats or refuges that are sites for breeding, rearing, resting, migration or feeding for the common carder bee species *Bombus pascuorum* (10 spcs.), intentional, incidental killing, willful destruction of eggs or growing forms, destruction of habitats or refuges that are the sites for breeding, rearing, rest, migrating, or feeding for the Burgundy snail species *Helix pomada* (approx. 30 spcs.); intentional destruction of habitats or refuges that are the sites for breeding, rearing, rest, migrating, or feeding, and intentional interference or disturbance of the green snaketail *Ophiogomphus cecilia* (approx. 20 spcs.) on plots no.: 62, 64, 2/1, 2/3, locality Stare Miasto and 394/57, 346/11, 345/3,

345/1, 345/2, 344, 268/2, 347, 348/1, 349, 350, 394/36, 394/39, 394/40, 394/42, locality 0004 Śródmieście, the commune of Kostrzyn nad Odrą, Gorzów district, Lubuskie province; **ORNITOFAUNA** destruction of habitats or refuges that are the sites for breeding, rearing, resting, migrating or feeding, intentional interference or disturbance or disturbance in night-time habitat, during the breeding season at the sites of breeding, rearing, or feeding for species: barn swallow *Hirundo rustica* (approx. 20 pairs), common house martin *Delichon urbicum* (approx. 30 - 35 pairs), common starling *Sturnus vulgaris* (approx. 3 pairs), black redstart *Phoenicurus ochruros* (approx. 1 pair) and destruction of nests of species, i.e. barn swallow *Hirundo rustica* (3 nests), common house martin *Delichon urbicum* (15 nests), common starling *Sturnus vulgaris* (1 nest), black redstart *Phoenicurus ochruros* (1 nest), on plots with registration numbers: 62, 64, 2/1, 2/3, locality Stare Miasto and 394/57, 346/11, 345/3, 345/1, 345/2, 344, 268/2, 347, 348/1, 349, 350, 394/36, 394/39, 394/40, 394/42, locality 0004 Śródmieście, the commune of Kostrzyn nad Odrą, Gorzów district, Lubuskie province, destruction of habitats or refuges that are the sites for breeding, rearing, resting, migration, or feeding and destruction of nests of 2 specimens on the order of passerine located on the maple tree entered on the list of trees to be removed under no. 161, growing on plot no. 64, locality 0006 Stare Miasto, the commune of Kostrzyn nad Odrą, Gorzów district, Lubuskie province; **ICHTHYOFAUNA** intentional, incidental killing, injuring, destruction of habitats or refuges that are the sites for breeding or feeding, and intentionally preventing access to refuges for the following species: river lamprey *Lampetra fluviatilis* (5 spcs.), white-finned gudgeon *Romanogobio albipinnatus* (3-5 spcs.), spined loach *Taenia cobilis* (20 spcs.), weatherfish *Misgurnus fossilis* (5 spcs), Amur bitterling *Rhodeus amarus (Rhodeus sericeus)* (10 spcs.), on plots with registration numbers: 2/1, 2/3, locality Stare Miasto, the commune of Kostrzyn nad Odrą, Gorzów district, Lubuskie province; **HERPETOFAUNA** intentional killing, destruction of habitats or refuges that are the sites for breeding, rearing, resting, migrating, or feeding, and deliberate interference or disturbance of species, i.e. green frogs, phenotype *Pelophylax class Esculentus / P. ridibundus* (approx. 20 spcs.), grass frog *Rana temporaria* (about 20 spcs.), grass snake *Natrix natrix* (about 5 spcs.) and viviparous lizard *Zootoca vivipara* (difficult to estimate, approx. 5 spcs.) on a plot with the registration number 2/3, locality Stare Miasto, the commune of Kostrzyn nad Odrą, Gorzów district, Lubuskie province, in connection with the need to implement the planned project titled: *"Expansion of national road no. 31 as part of the task titled: "Demolition and construction of the road bridge at 107+211 km of national road no. 31 in Kostrzyn nad Odrą (at 2.45 km of the river Warta)"* implemented as part of the Odra-Vistula Flood Management Project *"Task IB.5 Reconstruction of bridges to ensure a minimum clearance"*, time frame in accordance with the construction works schedule: 03.2020- 05.2023 Due to the fact that plot no. 2/3 locality Stare Miasto, the commune of Kostrzyn nad Odrą, Gorzów district, Lubuskie province is located within the Warta River Mouth National Park, the Authority did not refer to the requested activities regarding species of entomofauna and terrestrial molluscs , ichthyofauna, herpetofauna, and ornithofauna in the area in question. With the letter of 11 July 2019 ref.: POPDOW-ZPT.073.8.1.2019 (received on July 15, 2019) the Applicant informed that with respect to the activities requested for the above plot, he will submit an application to the Minister of the Environment.

The Regional Director for Environment Protection in Gorzów Wielkopolski, by his letter dated 16 July 2019, ref.: WPN-I.6401.248.2019.JK, notified the Applicant of the party's right to read and take a stance on the collected evidence and materials, before issuing the decision in the case, pursuant to Article 10(1) of the Law of 14 June 1960 – Code of Administrative Procedure. In the course of the proceedings, the party did not exercise that right and did not file any comments.

Based on Attachment 1 to the Regulation of the Minister of the Environment of 16 December 2016 on the protection of animal species, the green snaketail *Phiogomphus cecilia*, common house martin *Delichon urbicum*, barn swallow *Hirundo rustica*, common starling *Sturnus yulgaris*, black redstart *Phoenicurus ochruros* and species from the passerine order *PASSERIFORMES* are under strict species protection. However, according to Attachment 2 to the abovementioned regulation, the common carder bee *Bombus pascuorum*, Burgundy snail *Helix pomatia*, river lamprey *Lampetra fluviatilis*, white finned gudgeon *Romanogobio albipinnatus*, spined loach *Cobitis taenia*, weatherfish *Misgurnus fossilis*, Amur bitterling *Rhodeus amarus (Rhodeus sericeus)* are under partial species protection.

Pursuant to Article 52 paragraph 1(1)(2)(3)(7)(8)(9)(12) and (13) of the Nature Conservation Act of 16 April 2004, with regard to the protected wild animals, deliberate killing; deliberate injuring or capturing; deliberate destruction of eggs, young specimens or growing forms; destruction of habitats or sanctuaries being their sites of breeding, rearing, resting, migration or feeding; destruction, removal or damaging nests, formicaries, burrows, dens, lodges, dams, spawning grounds, winter habitats or other refuges; deliberate prevention of access to refuges; deliberate interference or disturbance; and deliberate interference or disturbance in night-time habitats, in breeding season in sites of breeding or rearing, or in feeding areas, of the groups of migrating or wintering birds, is forbidden. The foregoing has been specified in § 6 paragraph 1(1)(2),(3), (7), (8) and (9), and paragraphs 2 and 3 of Regulation of the Minister of Environment on conservation of animal species.

In the light of Article 5(18) of the Nature Conservation Act, a habitat of plants, animals or fungi shall be defined as an area where such plants, animals or fungi exist throughout their life or at any stage of growth. Therefore, the removal of the bridge and the tree to be removed with nests of protected species should be treated as habitats of these species subject to legal protection. In consequence, each instance where works restrict the species' access to their regular habitats should be classified as destruction of the habitats of those species, and thus as an infringement of the ban referred to in Article 52(1)(7) of the abovementioned Act. Obtaining a permit requires not only removing bird nests from structures and green areas from 16 October to the end of February, due to safety or sanitary reasons. The removal of the bridge and removal of the tree on which nests of protected species are located results in the destruction of their habitats. Therefore, it requires a permit from the Regional Director for Environment Protection in Gorzów Wielkopolski, issued pursuant to art. 56 paragraph 2(1) of the Nature Conservation Act, for derogation from the bans referred to in art. 52 paragraph 1 of the cited act.

Pursuant to Article 56(2)(1) and (2) of the Nature Conservation Act of 16 April 2004, the Regional Director for Environmental Protection, within his jurisdiction, may, for the species under strict and partial protection, allow for performing the actions banned under Article 52(1)

subparagraphs 1, 2, 3, 7, 8, 9, 12 and 13, that is for deliberate killing; deliberate injuring or capturing; deliberate destruction of eggs, young specimens or growing forms; destruction of habitats or refuges being their sites of breeding, rearing, resting, migration or feeding; destruction, removing or damaging nests, formicaries, burrows, dens, lodges, dams, spawning grounds, winter habitats or other refuges; preventing access to refuges; deliberate interference or disturbance; and deliberate interference or disturbance in night-time habitats, in breeding season in breeding or rearing areas, or in feeding areas, of the groups of migrating or wintering birds. The foregoing has been specified in § 6(1) subparagraphs 1, 2, 3, 7, 8, and 9, and paragraphs 2 and 3 of the said Regulation.

In accordance with Article 56 paragraph 4 (3), (6), and (7) of the cited Nature Conservation Act, the Regional Director for Environmental Protection, within his jurisdiction, may, in the absence of alternative solutions and if this does not cause a hazard to the wild populations of the protected animal species, allow for derogation from the prohibitions specified in Article 52 paragraph 1, if the derogation serve for public health or safety, or arise from essential requirements of overriding public interest, including social or economic requirements, or requirements that bring beneficial consequences of primary importance for the environment, or arise from a legitimate interest of a party or from essential requirements of overriding public interest, including social or economic requirements, or requirements that bring beneficial consequences of primary importance for the environment; and if one of the conditions listed in Article 56(4) subparagraphs 1 to 7 is fulfilled.

In the course of analysis of the matter, it was noted that the area indicated by the Applicant is part of the Natura 2000 Ujście Warty PLC080001 site. In the analysed area there is also a landscape park "Ujście Warty", referred to in art. 6(1)(3) of the Nature Conservation Act.

According to the information provided in the application, the requested activities are related to the necessity to implement the planned project: *"Expansion of national road no. 31 as part of the task titled: "Demolition and construction of the road bridge at 107+211 km of national road no. 31 in Kostrzyn nad Odrą (at 2.45 km of the river Warta)"* implemented as part of the Odra-Vistula Flood Management Project "*Task IB.5 Reconstruction of bridges to ensure a minimum clearance".* According to the information provided in the application, the intention is to demolish the existing bridge and build a new road bridge. In addition, the project includes accompanying works, i.e. expansion of national road no. 31 (ul. Sikorskiego) at the points of access to the bridge, the necessary reconstruction of sewage, water supply and other systems. The investor is the National Water Management Authority – Regional Water Management Board in Szczecin. The Applicant pointed out that there will be a bypass road on a temporary bridge for the duration of works on the construction of the permanent bridge. The project involving the reconstruction of the bridge on the river Warta in Kostrzyn nad Odrą to improve icebreaking has been included in the strategic document on flood protection: *Flood Risk Management Plan for the Odra Basin (FRMP).* Reconstruction of the road bridge at 2 + 450 km of the river Warta in In order to ensure minimum clearance for icebreakers, the Warta river in Kostrzyn nad Odrą constitutes tasks on the list of strategic technical investments in the Warta water region. The justification of the investment is the reconstruction of the existing bridge over the waterway to ensure proper clearance for icebreaking operations with the use of icebreakers. The current

parameters of the bridge make it difficult, and often impossible, to carry out effective icebreaking operations. The Applicant has indicated that the main objective of the FRMP is to mitigate the possible adverse effects of flooding on human life and health, the environment, cultural heritage and business activity, by taking actions to minimise the identified threats. The actions will, for example, reduce the losses due to flooding. The project concerns the demolition of the existing bridge and construction of a new bridge connected to the existing road infrastructure (national road no. 31, ul. Sikorskiego in Kostrzyn nad Odrą). The applicant pointed out that there are no possible alternative location solutions for this project. The option of constructing a new bridge next to the existing one which is to be demolished could be considered; then, there would be no need to build a temporary bridge. However, this option would have a much greater impact on the environment, i.e. would lead to the permanent transformation of the site of the new designed bridge and to the reconstruction of the road system. It is not possible to indicate an alternative option that would ensure that the aim of the project is achieved, i.e. that the navigation conditions for icebreakers and conducting icebreaking operations are improved. In this context, the only option is the demolition of the bridge, which is not acceptable for socio-economic reasons. According to the information provided in the application, with respect to entomofauna and terrestrial molluscs, the species included in the application are generally quite numerous components of fauna. It is predicted that the common carder bee and the Burgundy snail inhabit these areas permanently and reproduce. The Applicant pointed out that in the case of the green snaketail, no reproductive behaviour was observed, but it cannot be ruled out. He also noted that the occupation of land for the purpose of constructing a temporary bridge will not have a significant impact on the common carder bee and the Burgundy snail, as these are relatively common and widespread species. The activities which are the subject of the application will occur as a result of the works carried out, i.e. during works conducted in relation to the foundation of a temporary bridge and during the occupation of habitats conducive to the occurrence of the green snaketail, common carder bee and Burgundy snail. With respect to ichthyofauna, threats to the species in question will include works carried out outside the riverbed and river bank, works carried out in the Warta riverbed and directly on the water surface, and works on the banks. Works carried out outside the riverbed and the banks include all works related to the demolition of the old bridge structure, including the removal of spans and construction of the new bridge, e.g. construction of reinforced concrete structures using stationary scaffolding, assembly of steel structures on the river, pre-assembly of steel structures with the use of assembly equipment, carrying out concrete works on formwork suspended on the previously made part of the system (overhang method), laying bituminous pavement on the bridge and a number of accompanying works, e.g. reconstruction of existing roads, reconstruction of the existing power line, construction of a new storm water drainage system, excavation and land removal. From the point of view of ichthyofauna resources, the most important part of the planned project for the species living in the immediate vicinity of the works are the difficulties associated with the increased movement of construction equipment, and above all, the vibrations associated with the demolition of the old and construction of the new bridge. The works described above may generate bottom and water vibrations, as well as high intensity sounds. Vibrations in the aquatic environment are picked up by sensitive side line receptors, the same applies to sounds (noise),

which is transmitted much better in the aquatic environment than in the air. According to the information contained in the application, many scientific publications have described the impact of noise transmitted in water on the behaviour of fish. It has been found that the fish usually actively avoid noise, while some of them show signs of getting accustomed to the generated sounds. Increased long-term noise levels can have significant negative consequences for fish growth and development. Long-term exposure to noise can change fish responses from the level of the individual to the population. Prolonged generation of noise at one frequency can create a kind of sound barrier, which will be avoided by migrating fish. This may, for example, lead to a change of the feeding migration routes. Another aspect, which requires the adoption of precautionary approach, is the impact on resident fish, which for various reasons will not leave the noise impact zone. This also applies to young fish with a poorly developed ability to avoid predators while swimming (juvenile fish stages). However, due to the fact that the planned works will be happening over a longer period of time, it should be assumed that, despite the fact that they will locally produce high-intensity sounds, the local ichthyofauna will only move to neighbouring areas for the duration of the works, and then, as a result of compensatory migration, it will return once this stage of works finishes. Nevertheless, to limit this stress-inducing factor, work in the riverbed should be carried out outside the migration period of anadromous species, i.e. outside the period from mid-October to the end of November. In addition to the direct impact of the planned works on the Warta ichthyofauna, when conducting other construction works outside the riverbed, recommendations should be followed to ensure that the aquatic environment is not degraded. In accordance with the information contained in the application, special protective sheets will be installed under the superstructure to catch any waste generated during the cutting of superstructure components. Waste and sewage generated at the project implementation stage will be collected and systematically removed from the construction site, in accordance with applicable regulations, by specialized companies with appropriate permits. Displacing earth masses by pushing the material in the river bed is not allowed. Construction equipment used to perform the works should be efficient and secured against petroleum substance leakage. Each time after the works are finished on a given day, the equipment should be garaged in a designated square (outside the riverbed site), where all maintenance and repair works should be carried out. In addition, works will be carried out in such a way as to prevent petroleum substances from machinery and equipment from entering surface waters. With regard to the works carried out in the Warta riverbed and directly on the water surface, interference in the structure of the river bottom will be related to the removal of the supports of the old bridge and the construction of the supports of the temporary bridge. When assembling steel structures from pontoons moored at the banks of the river or when transporting the bridge structure to the shore with vessels, no hydrophytes growing on the banks should be destroyed, as they may constitute habitats for breeding and juvenile fish. Due to old supports being removed from the river bottom and temporary bridge supports being constructed, the layer of transit silts will also probably be removed; it is a good environment for the so-called benthic fauna, which is the food of some species of fish. The depletion of the food base at this level affects the carp species from the bentophage group the most. However, taking into account the available macrobenthos biomass at the entire 100 m width of the Warta riverbed (the surface occupied by spans is a

fraction of a percent of the whole riverbed surface in this area), it seems that it should easily ensure the continuity of the food base for these fish species, especially considering that after the works are completed, benthic organisms will begin to recolonise the bottom. Local environmental disturbances caused by the abovementioned works should not be too important for zooplankton, as this formation is not closely associated with a specific place (unlike, e.g. zoobenthos which is attached to the ground). Zooplankton usually moves to places that are most convenient for it, which causes, among others, a common phenomenon in plankton - the so-called patchiness - that is, the accumulation and concentration of plankton in certain places, while much less of it can be found in the immediate vicinity. The Applicant pointed out that during works related to the removal of old supports and shortly after their completion, as a result of the phenomenon of re-suspension of bottom sediments, the amount of suspended solids and biogenic substance will increase for a period of time (their concentrations may increase rapidly), which in turn may lead to an increase in turbidity and decrease in transparency and deterioration of aerobic conditions. The displacement of suspensions in the water body will follow the currents and the direction of the works. He also noted that this phenomenon could have a significant, negative impact on the ichthyofauna living in the water area. During the occurrence of abnormal turbidity, it is possible that feeding will potentially be limited or stopped for most species of fish, which is important in terms of reducing their condition and health. Turbidity of water during spawning migrations, can disturb sensory orientation and therefore prevent migrating fish from reaching spawning grounds. Warta and Postomia are a migration route for the lamprey lamprey and other species. Raising a significant amount of organic matter originally deposited in the sediments to the body of water may cause a rapid increase in oxygen demand, which may result in anaerobic conditions. However, in this case, as the area of works is small in relation to the width of the river and the flow on this section of the Warta, the suspension will be dispersed rapidly, without adverse effects on the environment. In addition, the studied section of the river Warta is strongly transformed in terms of hydrotechnics (bank development) and does not have spawning grounds that would be attractive for fish, therefore accidental silting of spawning grounds is also ruled out. In the current zone (place of support foundation) of such a large lowland river as the Warta, micro-habitats for fish are relatively few. In addition, there is no clear information on what habitats could be present in this area. However, it cannot be ruled out that during the removal of supports the area of one of the habitats may be reduced, although at the same time it should be noted that for fish living there, the support itself is probably much more attractive than the even, flat, sandy bottom in its area. Nonetheless, to minimize the impact, it is possible, for example, to pour gravel mixed with stones in places where spans have been removed, which would create an excellent habitat for lithophilic species, and such habitats are always lacking in lowland rivers. The applicant noted that at the investment implementation stage, due to the construction of a temporary bridge it will be necessary to construct an embankment in the area of the Postomia estuary. In order to maintain the passability of the fish movement corridor, the passability of the Postomia estuary will be maintained at 80 - 90%. In relation to works carried out in the bank zone, this part of the project is mainly related to the foundation of the new bridge spans. As is evident from the construction plans, the supports will be on the boundary between water and land, in the bank zone, but outside the main riverbed, which will allow ice to flow freely. In the

case of small watercourses, especially ones with salmon, interference in the bank structure often causes huge negative effects related to the destruction of ichthyofauna micro-habitats. In the case of such a large and regulated river as the Warta, the impact is minimal. The new intermediate supports of the designed bridge will be located in the bank's slope (i.e. in the place of the existing extreme supports), on 10 m-wide footing, placed directly on piles, which will be separated from the river by sheet piling in such a way as to interfere as little as possible with the riverbed and the large water flow conditions, both in the course of construction works and once they are finished.

According to the information in the application, the part of works which will interfere with the environment to the largest extent is the installation of sheet piling (most often it is hammered in or vibration-driven) covering the planned foundation and filling the space between piling with concrete. However, only a dozen or so meters of banks on both sides will be taken up in this way. The applicant pointed out that the works planned in connection with the implementation of the project will not significantly affect the general state of the population of ichthyofauna species due to the nature of the works, the small scale of impact, and the planned minimizing measures. The information in the application shows that the actions requested may occur mainly at the construction stage of the planned project, as a result of demolition works on the old bridge structure and construction of the new bridge, as well as a number of accompanying works. Access to refuges may be prevented and possible incidental injuring may occur as a result of disturbance, in connection with the increased movement of construction equipment, and the resulting vibrations related in particular to the demolition of the old bridge (installation of sheet piling and demolition of old supports) and construction of the temporary bridge (supports). The works described above may generate bottom and water vibrations, as well as high intensity sounds. With regard to omitofauna, the removal of the bridge and the construction of a new structure will result in the loss of good nesting sites, therefore it is necessary to take measures to minimize negative impacts. Thus, the demolition of the bridge should begin after breeding period, i.e. after October 15 or earlier, if the ornithologist confirms that there are no birds in the nests. The applicant pointed out that there is a chance that the birds will nest in the temporary bridge structure and later on the permanent bridge, as it currently happens. He also noted that the planned investment is surrounded by vast areas much more valuable in terms of the existence of birds. Therefore, it is not expected that the implementation of the relatively small-scale investment will significantly affect the identified species, consisting mostly of common species inhabiting urban areas. It is also not expected that the operation of the new bridge, a relatively low structure, would pose a threat to local bird populations or to groups of seasonal migrating birds. According to the information provided in the application, the requested actions will take place at the construction stage, i.e. due to the presence of people and noise emitted by working construction equipment. The loss of breeding sites will be caused by demolition of the existing footbridge and the erection of a new one. The Applicant pointed out that cutting down trees and grubbing up shrubs for the purpose of constructing a temporary bridge may result in the loss of potential nesting sites for bird species. Only two nests were identified in trees to be cut down. Tree felling will be carried out after October 15 to March 1, and during the breeding season only after the specialist in ornithology finds no breeding on trees or shrubs to be removed in order to

avoid destroying the breeding grounds. Hanging nesting boxes on trees in the vicinity of the planned investment would also be a good course of action. Destruction of habitats or refuges and destruction of nests will occur at the stage of tree felling. According to the information in the application, the submitted application was prepared on the basis of natural inventories, the results of which were included in the EIA report attached to the application. Inventories were carried out at the site of the planned investment, and also covered its vicinity. The application includes all species that used the site and were identified during field visits. Due to the nature of the inventory, i.e. identifying the species composition of a given area, and not monitoring a specific species, it is impossible to provide the exact number of individuals of a given species at this stage. The applicant pointed out that due to the high probability that there may be either more or fewer individuals of a given species in the area, a greater number of individuals of a given species was included in the application than the number recorded during the inventory, so that there would be no need to suspend works in the future. The applicant also noted that at the investment implementation stage a detailed report on the implementation of the permit for derogation from the bans will be made, which will clearly indicate which species were found after entering the site. As is evident from the application, the actions applied for will be under responsibility of the construction works Contractor, who will appoint an in-house Environmental Team.

In this case, given the location and scope of the actions applied for, there is no alternative solution to carry out these actions. Furthermore, the conditions specified in the introduction impose appropriate requirements regarding the protection of the aforementioned species during project execution, in order to maintain their local populations in a favourable conservation status.

Considering the foregoing, pursuant to the requirement laid down in Article 56(4) items 3, 6 and 7 of the Nature Conservation Act, which sets conditions for the Regional Director for Environment Protection in Gorzów Wielkopolski to issue the requested permit, I have decided to issue the said permit.

With the above in mind, I rule as stated.

INSTRUCTION

Pursuant to Article 130(4) of the Code of Administrative Procedure, a decision shall be enforceable before the expiry of the term to lodge an appeal if it accepts the requests of all parties.

This decision is appealable – pursuant to Article 127(2) of the Code of Administrative Procedure, a party may appeal to the General Director for Environment Protection, through the Regional Director for Environmental Protection in Gorzów Wielkopolski, within 14 days of the date the decision was served.

Please also be advised that pursuant to Article 127a(1) of the Code of Administrative Procedure, 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 statement of waiver of the right to appeal shall be lodged with the Regional Director for Environmental Protection in Gorzów Wielkopolski. The decision shall become final and binding on the date the public administration authority receives the statement of waiver of the right to appeal from the last of the Parties to the proceedings.

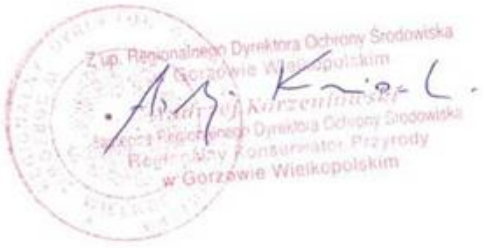
To implement the permit, the Regional Director for Environment Protection in Gorzów Wielkopolski shall check whether the Applicant fulfills the conditions specified in the permit, and shall withdraw the permit if the conditions are not fulfilled, pursuant to Article 56(7a) and (7i) of the Nature Conservation Act.

Please also note that if any plants, fungi or animals, other than those listed herein, are discovered while commencing and executing the works, or in the event of violating any bans other than those referred to herein, it is required to obtain an additional permit by the Regional Director for Environmental Protection for exemption from the bans listed in Article 51(1) and Article 52(1) of the Nature Conservation Act.

This permit does not exempt from compliance with other provisions, including those set forth in the Civil Code of 23 April 1964 (consolidated text: Journal of Laws of 2019, item 1145). Consequently, before entering the real property, it is required to obtain a relevant consent by the person authorised (owner or manager).

To the application for a permit for activities subject to the bans set out in Art. 56 section 2 of the Nature Protection Act of 16 April 2004 (Dz. Laws of 2018, item 1614 as amended) The applicant has paid stamp duty in *in the amount of PLN 82.00 (in words: eighty-two zlotys 00/100) on 24.05.2019 and on 09.07.2019 a stamp duty for granting a power of attorney in the amount of PLN 17.00 (in words: seventeen zlotys 00/100) to the account of the City Hall* in *Gorzów Wielkopolski 44 1020 5402 0000 0302 0325 6575.*

Kamila Strzesak
Nature Protection Inspector



Recipients:

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2. To files.