MAYOR OF CEDYNIA
Plac Wolności 1
74-520 CEDYNIA

Cedynia, 13 May 2019

Ref.: PIOS.6220.6.2018.AP

DECISION

Acting pursuant to Article 104 and Article 107(1) and (2) of the Code of Administrative Proceedings of 14 June 1960 (consolidated text: Polish Journal of Laws 2018, item 2096, as amended), in conjunction with Article 71(1) and (2) item 2, Article 72(1)(6), Article 75(1)(4), Article 80(2), Article 84, Article 85(1), (2) item 2, (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 (consolidated text: Polish Journal of Laws 2018, item 2081, as amended), and pursuant to § 3(1)(62) of Regulation of the Council of Ministers of 9 November 2010 on projects which may materially affect the environment (Polish Journal of Laws 2016, item 71), having examined the application dated 26 November 2018 (received by the Municipal Office of Cedynia on 27 November 2018), filed by Ms Krystyna Araszkiewicz of Sweco Consulting sp. z o.o., ul. 1. Łyskowskiego 16, 71-641 Szczecin, representing the investor, State Water Holding Polish Waters, Regional Water Management Board in Szczecin, ul. Tama Pomorzańska 13 A, 70-030 Szczecin, for issuing the environmental permit [*decision on environmental conditions*] 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 663.1 of Oder River',

having consulted the Regional Director for Environmental Protection in Szczecin, the State District Sanitary Inspector in Gryfino and the Minister of Maritime Economy and Inland Waterways,

I hereby conclude

that the project does not require an environmental impact assessment

and determine

environmental requirements for the consent to carrying out the project (**important requirements for using the environment**) at the stages of execution and operation or use, considering in particular the need to protect valuable environmental and natural assets and monuments, as well as to limit the nuisance to the surrounding areas:

1) the works that interfere in the river channel should be carried out only within the planned icebreaker mooring locations;
2) the dredging residues should be handed for testing and then, based on the laboratory test results, managed according to applicable regulations;
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;
5) 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;

6) before starting the works, it is required to survey the area for the presence of fringed water lily (protected plant). If that species is found, it is required comply with the Natural Conservation Act of 16 April 2004 (Polish Journal of Laws 2018, item 1614, as amended), and in the absence of alternative solutions, it is required to apply to a nature protection authority for a waiver of the bans imposed for protected species. A similar procedure should be applied for all the protected species which are in conflict with the project plans;
7) before execution, a work schedule must be prepared in consultation with an environmental protection team, in order to avoid destruction of ponding-water habitats, spawning disturbance and the migration of fish and other aquatic life;
8) the works interfering in the Oder river channel must be carried out beyond the spawning and spawn incubation season, which lasts from 1 March to 30 June;
9) the works interfering in the shore area must be carried out between September and the middle of March, when the activity of the detected species of amphibians and reptiles is reduced;
10) it is required to minimise the noise generated by mechanical equipment, especially if the period of works collides with the bat hatching season (from the beginning of May till the middle of August), by using low-noise machinery and equipment, reducing the operating time of the equipment which generates the highest noise;
11) during the execution, it is not allowed to destroy any plants growing outside the project site. Therefore, to minimise the interference of works in the vegetative patches including marsh spurge, the areas where the marsh spurge is present must be signed with a contrastive band;
12) the works must be supervised by a natural environment specialist. The supervision should be provided by a person holding relevant experience as a naturalist;
13) if dredging is necessary, the works should be performed in reference to medium water level necessary to maintain transport parameters of 1.8 m, or to the river channel elevation;
14) the works must be carried out during the day only;
15) the dolphins may not be illuminated;
16) the works must be carried out on the waterside;
17) the construction machines should show a low emission of pollution and noise, and should meet valid legal requirements concerning noise emission by equipment used outdoors;
18) vessels should be supplied with substances and measures for neutralising any leaks from the machines and equipment; in case of leaking oil derivatives, it is required to use a sorbent or fluid that neutralises oil derivatives, and any contaminated material should be handed for treatment;
19) during construction works, the oil derivatives coming from machinery and equipment, and other harmful substances, must be prevented from penetrating into surface water or soil;
20) new construction members and equipment must be transported mainly by water or on paved roads; in case of a leaking hazardous substance coming from the means of transport, sorbents must be used to eliminate the hazard;
21) it is required to limit transports without load, idle operation of engines and the operating time of the equipment that generates the highest noise;
22) waste must be collected in a selective manner and stored on vessel decks in a way to protect the environment against contamination, and then handed to entities authorised for disposal;
23) the contractor should only use such construction materials and raw materials (gravel, sand, prefabricated building materials and others) which will not deteriorate the environmental condition compared to the present status. The construction materials to be used must have technical approvals and certificates admitting them for use in construction.

The facility shall be built and operated according to the project information sheet delivered on 26 November 2018, including the related supplements and exploitations submitted on 8 February 2019.

This decision is accompanied by the project specification.

JUSTIFICATION

On 27 November 2018, the Mayor of Cedynia received an application filed by Ms Krystyna Araszkiewicz of Sweco Consulting sp. z o.o., ul. I. Łyskowskiego 16, 71-641 Szczecin, representing the investor, State Water Holding Polish Waters, Regional Water Management Board in Szczecin, ul. Tama Pomorzańska 13A, 70-030 Szczecin, for issuing the environmental permit for the project titled 'Construction of mooring facilities at lower and border Oder river and new waterway signage at km **663.2** of Oder river'. It should be clearly emphasized that **during the procedure**, in the supplement to the project information sheet, Sweco Consulting sp. z o.o. stated as follows: *"Considering the ongoing design works, please include a **correction** regarding the location of the mooring facilities, that is **a change from km 663.2 into km 663.1.** The said correction, which is only to unify the location specified in the design documents, will not affect the contents of the project information sheet, **nor does it change the actual location of the designed mooring infrastructure**. "*

Pursuant to § 3(1)(62) of the Regulation of the Council of Ministers on projects which may materially affect the environment, **the projects which may materially affect the environment shall include ports or inland waterways**, other than those referred to in § 2(1)(33), **and consequently this project is a project which may materially affect the environment**.

Pursuant to Article 71(1) and (2)(2) and Article 72(1)(6) of the Act on publishing information about the environment and its conservation, public participation in environmental protection and on environmental impact assessments, if the planned project may materially affect the environment, **the environmental permit shall be obtained before the water permit to build water engineering equipment**. On the basis of 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, in this case the authority competent to issue the environmental permit is the Mayor of Cedynia.

In accordance with Article 74(3a) of the cited Act, the parties to the procedure for issuing the environmental permit shall be the applicant and the entity holding the right in a property situated in the area to be affected by the project. The said area is understood as the plots which directly adjoin the plots on which the project will be implemented; the plots on which environment quality standards would be exceeded due to the execution or operation of the project; the plots located in the range of material impact of the project, which may entail restrictions in managing the property according to its present purpose. **The parties to these proceedings are the owners of the plots which adjoin the project site**, as the collected materials do not indicate a risk of exceeding the environment quality standards or of material impact by the project.

Pursuant to Article 80(2) of the Act on publishing information about the environment and its conservation, public participation in environmental protection and on environmental impact assessments, the competent authority shall issue the environmental permit **having first ascertained that the project location conforms to the local spatial management plan**, if such a plan has been adopted. In this case, the project is not in conflict with the plan.

By the letter of 3 December 2018, the Mayor Cedynia requested the Regional Director for Environmental Protection in Szczecin, the Director of Regional Water Management Board in Szczecin – State Water Holding Polish Waters and the State District Sanitary Inspector in Gryfino to issue an

opinion on whether it is required to conduct the environmental impact assessment and, if so, on the scope of the environmental impact report, and the Mayor has also provided the authorities with a copy of the investor's application for water permit, the project information sheet and the excerpt from the local spatial management plan. The Director of Regional Water Management Board in Szczecin – State Water Holding Polish Waters has forwarded the letter received from the Mayor of Cedynia to the competent authority, that is the Minister of Maritime Economy and Inland Waterways. **The Mayor of Cedynia has received the following opinions stating that the project does not require an environmental impact assessment**: on 7 December 2018 from the State District Sanitary Inspector in Gryfino, who based his opinion on the fact that the project will not adversely affect the life and health of people; on 6 March 2019 from the Regional Director for Environmental Protection in Szczecin, who considered the scale and location of the project as well as possible nuisance caused by the construction and operation of the facility, and stipulated the so-called important requirements for using the environment; on 27 March 2019 from the Minister of Maritime Economy and Inland Waterways, who based his opinion on the fact that the project will not adversely affect the achievement of the environmental objectives set in the valid plan of water management in the Oder catchment area, for surface and ground water bodies, and stipulated the conditions and requirements to be included at the stages of execution and operation. Having consulted the said authorities, by decision of 12 April 2019 **the Mayor of Cedynia has stated that the project does not require an environmental impact assessment**, taking into account all of the following circumstances:

1) the type and characteristics of the project, including:

a) the scale of the project, the area it will occupy, and their relative proportions, as well as relevant solutions which characterise the project

The scale of the project, the area it will occupy, and their relative proportions: The project involves the construction of mooring facilities for icebreakers (in the form of the so-called dolphins, being piles driven into the riverbed and projecting above the water surface, erected beyond the boundary of the waterway and used as mooring anchors) near the village of Osinów Dolny, and the installation of new waterway signage. The mooring facilities will be deployed along the river axis; dolphins spaced at 10 m to 30 m, total length: approx. 110 m. The Investor has defined the location as optimal for mooring icebreakers during ice-breaking operations. Today this place is admitted for hosting anchored vessels. Approximately 110 m away, there is a generally accessible earth road, and another earth road ensuring emergency access runs along the bank. The planned dolphins will be installed entirely in water, around 20 m from the right bank of the Oder river.

Relevant solutions characterising the project

The mooring facility will have a fixed jetty providing connection with the riverbank. The works will be carried out on the waterside. No site back-up facilities are planned for the project. The project is likely to involve related dredging works (if deemed necessary) to ensure a depth adequate for icebreakers. The works should be performed based on the average water depth necessary to maintain transport parameters of 1.8 m, or on the river channel elevation. The dredging residues will be examined and then, based on laboratory test results, managed according to applicable regulations. Specific information on the quantity of necessary dredging works can be estimated while preparing the design documentation. The planned mooring places will be marked upstream and downstream of the facility with appropriate signs used at inland waterways. Specific locations of the signs will be adjusted to the signs already existing.

b) interfaces with other projects, in particular the accumulation of impacts by the ongoing and completed projects for which an environmental permit was issued and which are located in the area of this project or in the area it will affect, or with other projects whose impacts cover the area to be affected by this project, insofar as such impacts may accumulate with the impacts caused by this project

The project is carried out as part of the so-called Task 1B.3/2, which involves the construction of

mooring facilities for icebreakers at 8 independent locations at the section of the Oder river from the mouth of the Nysa Łużycka to Szczecin, and the installation of new waterway signage, carried out as part of the Odra-Vistula Flood Management Project (POPDOW), in order to allow for safe and effective ice-breaking (Szczecin, Zatoń Dolna, Osinów Dolny, Kajeńsko, Ługi Górzyckie, Pławidło, Kunice, Biała Góra).

The plan provides for the following works, which are covered by the Odra-Vistula Flood Management Project. These include modernisation works at the border Oder river, which involve, without limitation:

- Demolition and reconstruction of the existing roads and the construction of new roads.
- Demolition and reconstruction of the longitudinal dams and the construction of new dams.
- Demolition and reconstruction of the existing bank walls and reinforcements and the construction of new ones.

The project further includes dredging works (so-called auxiliary dredging) to be performed at selected river sections. In addition, simultaneously with the modernisation works to be conducted on the Polish side of the border, there will be similar works carried out on the German side.

There is also a risk of accumulating impacts of the projects which will be implemented upstream of the project site, at the section of the free-flowing Oder river. These activities are also covered by the Odra-Vistula Flood Management Project.

The works to be performed as part of this project will be coordinated with the modernisation works carried out at the border Oder river, and the scope of impacts by this project will be very similar to those caused by the modernisation of adjustment structures, but it will only be local and entirely temporary, so it will not affect the river system.

c) biological diversity and the use of natural resources, including soil, water and Earth surface

Biological diversity

In the location of the project, the shoreline area of the Oder river is covered by *Phalaridetum arundinaceae* with a minor presence of reed canary grass. Next to them, behind the earth road, there are foxtail grass meadows, which contain spots of willow bushes. These meadows are dominated by the meadow foxtail. Besides there grow the wood small-reed, common comfrey, common nettle, marsh woundwort and marsh spurge. The surveyed area includes no natural habitats of Community interest. Additionally, no legally protected fungi were found.

The marsh spurge grows downstream of the project site, so the erection of an operating footbridge in the onshore part will not collide with that plant. To minimise the interference of works in the vegetative patches including marsh spurge, the areas where the marsh spurge is present will be marked with a contrastive band. In addition, the inter-groin area is covered by the fringed water lily, which is under strict protection. To minimise the adverse effect on that endangered species, before starting the works it is required to conduct an additional survey for the presence of the fringed water lily, which is strictly protected and contained in the 'Polish Red Book of Plants' (classified as VU – vulnerable). If that species is found, it is required comply with the Natural Conservation Act of 16 April 2004 (Polish Journal of Laws 2018, item 1614, as amended), and in the absence of alternative solutions, it is required to apply to a nature protection authority for a waiver of the bans imposed for protected species.

A survey conducted for the project has revealed the presence of reptiles (sand lizard, grass snake) and amphibians (European fire-bellied toad, common toad, common frog, marsh frog and smooth newt). To minimise the impact on the herpetofauna, it is required to plan the works impairing the banks, which must be performed between September and the middle of March, when the listed species are less active. Since the most valuable overflow areas are quite far from the planned landing stage, the works should have no adverse impact on the most environmentally valuable places.

A survey of ornitofauna, conducted in 2017, revealed the existence of breeding sites or preying areas of 7 species (woodlark, red-backed shrike, barred warbler, western marsh harrier, mallard, mute swan, European bee-eater) as well as 4 species observed while wintering (common goldeneye, greylag goose,

cormorant, common merganser). On the southwestern side, the planned mooring area is adjacent to buildings, and on the northeastern side to overflow areas which are always under water. It is an attractive nesting place for red-backed shrikes and barred warblers as well as a home to the western marsh harrier and the crane. These overflow areas are also praying terrains for the European bee-eaters, whose colony is approx. 5 km away from the planned project. In the winter of 2018, on the project site and within its buffer zones of 300 m along the Oder banks, there were found 29 species of birds, including 17 breeding species. The most valuable ones include the black kite, common tern, barred warbler and red-backed shrike (species listed in Annex I to the Birds Directive). The black kite and common tern were only observed to be migrating, while the red-backed shrike and the barred warbler nest on the project site and its surroundings. Over a half of the breeding bird species were found on the open terrains situated near the project site (meadows and wasteland with isolated bushes), which also refers to the barred warbler and the red-backed shrike as well as the European stonechat, which is rare in Western Pomerania.

The stands of trees and bushes growing nearby were home to 5 breeding species, and the water areas were habitats of 3 breeding species (mallard, reed warbler, great reed warbler) and 6 non-breeding species (mute swan, greylag goose, cormorant, black-headed gull, Caspian gull and common tern). It was also found that the surroundings of the future moorings facilities are habitats of 6 species/groups of bats: nathusius' pipistrelle, common pipistrelle, soprano pipistrelle, common noctule, serotine bat and mouse-eared bat. There were found traces of otters and weasels.

The planned works will involve no clearing of trees or bushes. To minimise the adverse effect on animals, the works should be supervised by a natural environment specialist. The works should be carried out on the waterside. The dolphins will not have a lighting system, as it would scare off bats from their praying areas to the hiding places. Due to noise, the animals may be scared off, but since this nuisance will only be temporary, the animals will then return to their previous habitats. It should be noted that the works will not be performed at night. The interference in the shore area will be limited to a short section, which must be taken to found the working footbridge. The works will not have any adverse impact on the ornitofauna or teriofauna.

As the construction works will be carried on from water, the impact on the population of the riverside entomofauna will be minimised. During the works, it is important to protect and maintain the ponding-water habitats present in the groins. In consequence, a work schedule must be prepared in consultation with the environmental team to avoid destruction of the ponding-water habitats.

Any deposits raised during the works for a long time are dangerous to the benthos. The planned mooring facility will not cause any long-term raise of deposits, and the works will be performed smoothly, for approx. 3 months, to reduce the adverse effect on invertebrates. The survey has revealed the presence of the fish species listed in Annex II to the Habitats Directive, that is asp, spined loach, white-finned gudgeon, weatherfish and Amur bitterling. Consequently, the materials, equipment, waste and wastewater should be managed in such a way not to endanger the natural environment. Given the character of the project and the scope of related works, the project should not have a significant impact on the population, habitats or spawn of fish. The works will only involve vibrating into the ground open-end steel pipes with a soil plug created inside and the remaining space filled with sand. During the construction works, fish will be temporarily scared off, but this will only take approx. 3 months, and then all the impacts will be ceased. These works should be supervised by a natural environment specialist not to disturb the spawning and migration of fish or other aquatic life, if the works continue in an inappropriate time.

The use of natural resources, including soil, water and Earth surface

During execution, the project will require fuels for transport equipment, vessels, machines and construction equipment. An electric welding machine will be used, which is to be powered by a generator installed on a vessel, so energy will not have to be supplied from any other source. It will be necessary to obtain raw materials for the dolphins (such as concrete or sand), in the quantities specified

in the following table.

No.	Consumption of materials and raw materials	Estimated quantity [Mg]
1	Water [m^3]	100
2	Fuels [m^3]	100
3	Stone [Mg]	7.5
4	Sand [m^3]	50
5	Concrete [m^3]	2
6	Steel [Mg]	350

At the operation stage, the project (i.e. the new mooring facility) will not require the use of any materials, raw materials, water, fuels or electricity, except the time of overhaul and maintenance works.
The grounds under flowing surface water (plot 1, precinct 0009 Osinów Dolny) are owned by the State Treasury (permanent operator: State Water Holding Polish Waters (PGW WP), Regional Water Management Board (RZGW) in Szczecin). The plot No. 2/1 is owned by the State Treasury – National Agriculture Support Centre (KOWR), Branch in Szczecin. The plot is classified as wasteland.

No.	Name	District	Commune	Precinct	Plot	Owner / Possessor	Notes
1	**2**	**4**	**5**	**6**	7	**8**	**9**
03	Osinów Dolny	Gryfiński	Cedynia	0009 Osinów Dolny	2/1	State Treasury, KOWR, Branch in	Exit to the bank

No.	Name	District	Commune	Precinct	Plot	Owner / Possessor	Notes
1	**2**	**4**	**5**	**6**	**7**	**8**	**9**
					1	State Treasury PGW WP RZGW in Szczecin	

d) emissions and other nuisance

Air pollutant emission

During execution, air pollution will mainly be emitted by the vessels, machines and equipment used for construction works. The operation of floating equipment and construction machines will generate pollutants coming from fuel combustion by engines (such as nitrogen oxides, sulphur dioxide, carbon monoxide or aliphatic hydrocarbons).
The pollutants will be emitted at a low height so, given their minor spread, the emission generated by transports and auxiliary works will be local and restricted in space, to exist only in the place of generation (construction site), and will have no significant impact on air quality. Furthermore, the works will be quite short.
Consequently, the impact on the ambient air during execution will not cause any significant modifications in the existing contamination at the project site, will not affect the climate in the area of

the border Oder river, and will not pose a hazard to the life or health of local residents.
Exhaust emission will be minimised by using fully operational equipment and limiting its operation time to a required minimum.
After the project is completed, the operation of the mooring facilities on the border Oder river will not entail any emission of air pollutants.
However, it should be noted that, both presently and after completing the project, the ice-breaking operations will cause the emission of pollutants due to fuel combustion in the icebreaker engines. Besides, since the Oder river serves as a waterway, pollution is and will be released to the air by the engines of circulating vessels.
Noise
The execution stage will imply a short noise emission during temporary use of the machinery and equipment required to prepare the site and settle the dolphins. The emitted noise will be intermittent, and its intensity will vary at different stages of works, depending on their course and the use of specific machines and equipment.
The noise emission during the works may influence the animals living nearby. They might be scared off, but given the temporary character of the noise emission, the animals will return to their previous habitats.
Given that the emission will be short and local, during execution the project will not exert a significant impact on the acoustic environment in the project location. It is even more so, as the project site is not surrounded by any areas subject to noise abatement. Nevertheless, the noise will be minimised by using fully operational equipment which meets relevant legal provisions setting out the allowable level of noise. Limiting the operating time of equipment will additionally reduce the nuisance to the local environment, caused by the works. The works will be carried out during the day.
After the project is completed, the operation of the mooring facilities on the border Oder river will not entail any noise emission.
However, it should be noted that, both presently and after completing the project, noise will be emitted by the icebreaker engines and during ice-breaking operations. Besides, since the Oder river serves as a waterway, noise is and will be emitted by the engines of circulating vessels.
Wastewater
During execution, domestic wastewater will be produced. The vessels working on the waterside will be supplied with their own sanitary facilities, and the wastewater collected in special tanks will be delivered to a wastewater treatment plant.
The vessels to be used for the works have their own sanitary facilities, and any waste they will generate is collected by specialised companies.
After the project is completed, the operation of the mooring facilities on the border Oder river will not entail any wastewater generation.
However, it should be noted that, both presently and after completing the project, the ice-breaking operations will generate wastewater to be produced on the icebreaker decks. However, the icebreakers are provided with their own sanitary facilities, and wastewater is collected in special tanks which are drained at the icebreaker base and then carried to a wastewater treatment plant.
Besides, since the Oder river serves as a waterway, wastewater is produced on the circulating vessels. Similarly to the icebreakers, it is collected in special tanks which are drained at ports/marinas and then carried to a wastewater treatment plant.
e) the risk of a major accident or a natural or construction disaster, assessed based on scientific knowledge, considering the substances and technologies used, including the risk of climate change
The risk of accidents and disasters
In the light of the Regulation of the Minister of Development of 29 January 2016 on types and quantities of hazardous substances stored by a plant, which determine whether the plant should be classified as a

lower-tier or upper-tier establishment (Polish Journal of Laws 2016, item 138), neither the planned actions connected with the project nor the modernised and new adjusting facilities to be built are not classified are upper-tier or lower-tier establishments.
Considering the nature of the works planned, there is no risk of a major accident or a construction disaster.
The new mooring places on the border Oder river, to be built during the project, will enable safe and effective breaking and removal or ice, which will allow for mitigating the risk of flooding caused by ice jams. Therefore, the project will help prevent natural disasters.
Risk of climate change
The works will cause a short-term emission of gas contaminants. The operation of construction machines and vessels used for the works will generate pollutants coming from fuel combustion by engines (such as nitrogen oxides, sulphur dioxide, carbon monoxide or aliphatic hydrocarbons). The machines will also emit dusts during the works and road transports.
The pollutants will be emitted at a low height, so their spread, being limited, will not have any significant influence on air quality.
The short time of the emissions will also not affect the climate in the area of the project.
After the project is completed, the operation of the mooring facility on the border Oder river will not entail any emission of air pollutants. However, it should be noted that, both presently and after completing the project, the ice-breaking operations will cause the emission of pollutants due to fuel combustion in the icebreaker engines. Besides, since the Oder river serves as a waterway, pollution is and will be released to the air by the engines of circulating vessels.
This emission will not have a significant impact on air quality or the climate in the area of the border Oder river.
f) the anticipated quantity and type of waste and its impact on the environment, if waste is to be generated
The vessels to be used for the works have their own sanitary facilities, and any waste they will generate is collected by specialised companies.
During execution, waste may be produced by the construction of dolphins or jetties. However, all the works will be carried out in such a way to generate the lowest possible amount of waste. The waste will be provisionally stored on the vessels and then given to the entities authorised to collect it. In accordance with applicable regulations, a waste producer must keep quantitative and qualitative records of waste by maintaining a waste registry sheet. Additionally, in case of an incident (emergency), there is a risk of fuel pipe unsealing or equipment failure, which may generate waste coded 13 01, 13 02 or 15 02, which will be handled according to the rules of waste management.

No.	Code	Group, sub-group and types of waste	Estimated quantity [Mg]
	17	Construction and demolition wastes (including excavated soil from contaminated sites)	
1	17 01 01	Concrete	0
2	17 04	Metals (including their alloys)	0.5
3	17 05 04	Soil and stones other than those mentioned in 17 05 03	0.5
4	17 05 06	Dredging spoil other than those mentioned in 17 05 05	No data
5	17 09	Other construction and demolition wastes	3

No.	Code	Group, sub-group and types of waste	Estimated quantity [Mg]
6	1301	Waste hydraulic oils	0.5
7	13 02	Waste engine, gear and lubricating oils	0.5
8	15 02	Absorbents, filter materials, wiping cloths and protective clothing	0.5
9	20	Municipal wastes (household waste and similar commercial, industrial and institutional wastes) including separately collected fractions	0.5

To clarify the table above, it must be added that the design works are currently in progress, so at this stage it is impossible to estimate the quantity of soil to be excavated. Nevertheless, the excavated soil will be examined to determine how it should be managed, and then it will be disposed of according to applicable regulations on waste management.

Once the project is completed, the dolphins will not generate any waste.

However, it should be noted that, both presently and after completing the project, the ice-breaking operations will generate waste to be produced on the icebreaker decks. The gathered waste will be collected at the base, where it will be managed according to the local procedure.

Besides, since the Oder river serves as a waterway, waste is produced on the circulating vessels. Similarly to the icebreakers, the generated waste will be collected at ports/marinas, where they will be managed according to local procedures.

g) hazards to human health, including those caused by emissions;

The impact on the ambient air during execution (exhaust gas emission) will not cause any significant modifications in the existing contamination at the project site, will not impact the climate in the area of the border Oder river, and will not pose a hazard to the life or health of local residents.

2) the project location, including any possible hazard to the environment, in particular given the present and planned use of land, the environment's capacity of self-cleaning and regenerating the natural resources and environmental and landscape assets, and the requirements stated in local spatial management plans, which include:

a) wetlands and other areas with a high ground water table, including riparian areas and river mouths

The project site is not a wetland or another area with a high ground water table, including a riparian area or a river mouth.

b) coastal areas and marine environment

The project site is not a coastal area or a marine environment, as it is located in an inland area, beyond the Baltic Sea coastline.

c) mountain or forest areas

The project site is not a mountain or forest area.

d) protected areas, including areas of protected water intakes and inland water bodies

The area to be affected by the project does not cover protected areas, including areas of protected water intakes and inland water bodies.

e) areas requiring special protection due to the presence of protected plant, fungi and animal species or their natural habitats, including Natura 2000 areas, and other forms of environmental protection

The project is situated:

- within the Natura 2000 area 'The Lower Oder river' (PLH320037), being a site of Community interest,
- within the Natura 2000 area 'The Lower Oder Valley' (PLB320003), being a bird special protection area,
- at the boundary of Cedynia Landscape Park.

The project is located approx. 830 m from the 'The Oder Valley South' wildlife corridor. Considering the character and scope of the project and its distance to the wildlife corridor, the task should exert no adverse impact on that corridor. The project will be located within the area of Community interest 'The Lower Oder river' (PLH320037), the bird special protection area 'The Lower Oder Valley' (PLB320003), and at the boundary of Cedynia Landscape Park. The project is located approx. 830 m from the 'The Oder Valley South' wildlife corridor. Considering the character and scope of the project and its distance to the wildlife corridor, there should be no adverse impact on that corridor.

In accordance with the Oder of the Regional Director for Environmental Protection in Szczecin dated 31 March 2014 on adopting the protective action plan for the Natura 2000 area 'The Lower Oder river' (PLH320037), the protection of sanctuaries covers the following natural habitats: 2330 Dry sand heaths with Calluna and Empetrum nigrum; 3140 Hard oligo-mesotrophic waters with benthic vegetation of Chara spp.; 3150 Natural eutrophic lakes with Magnopotamion- or Hydrocharition-type vegetation; 3260 Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation; 3270 Rivers with muddy banks with Chenopodion rubri p.p. and Bidention p.p. vegetation; 4030 European dry heaths; 6120 Xeric sand calcareous grasslands; 6210 Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia); 6410 Molinia meadows on calcareous, peaty or clayey-siltladen soils (Molinion caeruleae); 6430 Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels; 6440 Alluvial meadows of river valleys of the Cnidion dubii; 6510 Lowland hay meadows; 9110 Luzulo-Fagetum beech forests; 9130 Asperulo-Fagetum beech forests; 9160 Sub-Atlantic and medio-European oak or oakhornbeam forests of the Carpinion betuli; 9170 Galio-Carpinetum oak-hornbeam forests; 9190 Old acidophilous oak woods with Quercus robur on sandy plains; 91D0 Bog woodland; 91E0 Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae); 91F0 Riparian mixed forests of Quercus robur, Ulmus laevis and Ulmus minor, Fraxinus excelsior or Fraxinus angustifolia, along the great rivers (Ulmenion minoris); 9110 Stenothermic oak woods; and the following animal species: pond bat, greater mouse-eared bat, European beaver, otter, wolf, northern crested newt, European fire-bellied toad, white-finned gudgeon, asp, spined loach, *Lucanus cervus*, hermit beetle, great capricorn beetle, lesser ramshorn snail.

In accordance with the Order of the Regional Director for Environmental Protection in Szczecin dated 30 April 2014 on adopting the protective action plan for the Natura 2000 area 'The Lower Oder river' (PLB320003), the protection covers the following species: bittern, great white egret, black stork, whooper swan, smew, European honey buzzard, black kite, red kite, white-tailed eagle, western marsh harrier, spotted crake, little crake, corncrake, crane, common tern, little tern, black tern, eagle owl, kingfisher, bluethroat, aquatic warbler, barred warbler, Mediterranean gull, little gull, mute swan, taiga bean goose, greater white-fronted goose, greylag goose, widgeon, gadwall, mallard, common pochard, tufted duck, common merganser, common coot, northern lapwing, cormorant, pintail, greater scaup.

At the project site, we have found no natural habitats protected by the 'The Lower Oder river' (PLH320037) area. We have found the European fire-bellied toad, mouse-eared bat, white-finned gudgeon, asp and spined loach. We have also observed excrements of an otter. In order to protect the listed species, before execution a work schedule must be prepared in consultation with an environmental protection team, in order to avoid destruction of ponding-water habitats, spawning disturbance and the migration of fish and other aquatic life. The works interfering in the Oder river channel must be carried out beyond the spawning and spawn incubation season, which lasts from 1 March to 30 June, and only within the designed icebreaker mooring places. Additionally, the works interfering in the shore area must be carried out between September and the middle of March, when the detected species of herpetofauna are less active. It is also required to minimise the noise generated by mechanical equipment, especially if the period of works collides with the bat hatching season (from the beginning of May till the middle of August), by using low-noise machinery and equipment, reducing the operating

time of the equipment which generates the highest noise. The works must be supervised by a natural environment specialist.
The project will not materially affect the bird species found during the survey and protected by the 'The Lower Oder river' (PLB320003) area, and will not cause them to lose their habitats.

The Standard Data Form (as of February 2017), specifies the following threats to the 'The Lower Oder river' (PLB320003) area: catching, poisoning, poaching, roads, motorways, biocoenosis evolution, succession, water function modification – generally, non-intensive mowing, waste, wastewater, hunting, flooding (natural processes), waste disposal by households / leisure facilities, acquiring/removing (land) animals, adjusting (rectifying) and changing the course of river channels, sports and various forms of active leisure and recreation, practised outdoors, waterways, artificial outdoor plantations (non-native trees), dams, embankments, artificial beaches – generally, cultivation, removing grass for arable land, angling, excavation of sand and gravel, afforestation of open spaces, silting, lack of mowing, contaminants, ceasing of pasturage, no pasturage, supply modifications, storage of waste, storage of dredging residues, sailing. Given the character and scope of the planned project, it should be concluded that, generally, it does not suit the foregoing list of threats.

The threats to the Community interest area 'The Lower Oder river' (PLH320037), according to the relevant Standard Data Form (as of February 2017), include: cultivation, fertilising/artificial fertilisers, footpaths, pedestrian routes, bicycle routes, scattered settlement, disposal of waste by households/leisure facilities, angling, acquiring/removing (land) animals, sports and various forms of active leisure and recreation, practised outdoors, air pollution, airborne pollutants, man-made modifications of water conditions. The project is not included in this list of threats.

Given a small scale of the project and its point and local interference during execution, which, once the project is completed, will not imply any adverse impact, it has been found that the project will not significantly affect the objects protected by Natura 2000 areas or their integrity and cohesion.

f) the areas where environment quality standards have been or may be exceeded

There are no areas located near the project site, where the environmental standards have been or may be exceeded.

g) the areas with a landscape of historic, cultural or archaeological importance

The area of the planned mooring infrastructure does not cover any terrains with a landscape of historic, cultural or archaeological importance.

h) population density

The area to be affected by the project includes no occupied properties.

i) areas adjacent to lakes

The project site is not located in an immediate vicinity of lakes or other inland water bodies.

j) health resorts and health-resort protection areas

The project site is not located near a health resort or health-resort protection area.

k) water bodies and relevant environmental objectives

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

- PLRW60002119199 The Oder River from the Warta to the West Oder – 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 2021. 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.

- PLGW600023 – 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 identified 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 assessment 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 factions 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. According to the quality evaluation of bottom sludge, conducted in 2016, the Oder River channel, near the planned mooring facility, contains sludge that is chemically classified as 'moderately contaminated'.

3) The type, characteristics and scale of possible impact referred to the criteria listed in sections 1 and 2 and in Article 62(1)(1) (i.e. direct and indirect impact of the project on the environment and people, including human health and living conditions, tangible goods, monuments, landscape, including cultural landscape, the interrelations between the elements referred to in items a to ca, and the accessibility of mineral deposits), which arise from:

a) the impact range – geographical area and the population which may be affected by the project

Considering the character, location and scale of the project, it has only a local impact (neighbouring properties) and will not affect any inhabited area.

b) cross-border impact of the project on various environmental components

Although the planned project will be carried out in an immediate vicinity of the border between the Republic of Poland and the Federal Republic of Germany, considering its nature, location and scale, the impact it will generate will not influence the areas situated outside Poland. Any possible nuisance caused at the execution stage may only relate to short-term noise emissions during the works and the scaring of birds and their ichtiofauna; the operation stage will not imply any environmental impact.

c) the character, scale, intensity and complexity of the impact, including the charge on the existing engineering infrastructure and the anticipated moment when the impact will start

Given the character, location and scale of the project, the related impact is only local and not intensive, it does not charge the engineering infrastructure, and will start on beginning the execution stage, after the Investor obtains relevant authorisations.

d) the likelihood of the impact

The impact during execution is highly probable (noise, emission), and at the operation stage the likelihood is low.

e) the duration, frequency and reversibility of the impact

All potential impacts at the execution stage are temporary, short-term and fully reversible.

f) interfaces with other projects, in particular the accumulation of impacts by the ongoing and completed projects for which an environmental permit was issued and which are located in the area of this project or in the area it will affect, or with other projects whose impacts cover the area to be affected by this project, insofar as such impacts may accumulate with the impacts caused by this project

The probability that the impacts will accumulate is low.

g) the possibility to reduce the impact

At the execution stage, the following organisational and environmental protection measures will be used:

- the selection of machines with a low emission of pollution and noise, which meet valid legal requirements concerning noise emission by equipment used outdoors;
- the use of only such equipment and vessels that are in good condition, and timely and adequate maintenance of construction machinery, which will prevent the leaks of fuels, oils or other operating fluids, and thus their penetration into soil or groundwater;
- new construction members and equipment will be transported mainly by water or on paved roads; in case of a leaking hazardous substance coming from the means of transport, sorbents will be used to eliminate the hazard;
- the machines and vehicles will not be overloaded, and as far as possible the engines will not operate at top speed;
- avoiding transports without load, limiting the time of idle operation of combustion engines, limiting the operating time of the equipment causing the highest noise levels;
- ensuring a proper organisation of civil and erection works – the civil and erection works will be performed during the day;
- the works contractor will store waste generated by the civil and erection works in a way to protect the environment against contamination. All types of waste generated will be collected and stored in a selective manner, which will facilitate their management by authorised entities. Proper arrangement of day-to-day waste management, proper organisation of site back-up facilities, and compliance with occupational safety rules will help eliminate a direct impact of waste on human life and health and on the environment;
- the contractor will only use such construction materials and raw materials (gravel, sand, prefabricated building materials and others) which will not deteriorate the environmental condition compared to the present status. The construction materials to be used must have technical approvals and certificates admitting them for use in construction;
- 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;
- the works will be carried out during the day only;
- the dolphins will not be illuminated;
- the trees or bushes existing in the project area will not be cleared;
- to minimise the interference of works in the vegetative patches including marsh spurge, the areas where the marsh spurge is present will be marked with a contrastive band;
- the works interfering in the shore will be carried out between September and the middle of March, when the activity of the detected species of amphibians and reptiles is minimal.

The aforesaid measures will fully eliminate threats to the natural environment during construction, will not breach the applicable environmental protection norms, and will cause no significant adverse effects on the environment.

The dolphins will be made of environmentally neutral materials, and their maintenance will not generate

the emission of pollutants or energy to the environment. The new mooring places will help improve the safety of ice-breaking operations, and thus

will reduce, for example, the risk of leakage of oil derivatives to surface water.

In accordance with Article 104 and Article 107(1) and (2) of the Code of Administrative Proceedings, the public administration authority shall handle the case by issuing a decision, which must settle the case in full, with a proviso that apart from the compulsory elements of the decision, the specific provision (that is the Act on publishing information about the environment and its conservation, public participation in environmental protection and on environmental impact assessments) shall define additional elements of the environmental permit. In accordance with Article 84 of the cited Act, where no environmental impact assessment has been carried out for the project, in the **environmental permit** the competent authority shall **indicate that the project does not require an environmental impact assessment**, but the authority **may define the conditions or requirements** referred to in Article 82(1)(1)(b) or (c), **or impose an obligation to implement the actions** referred to in Article 82(1)(2)(b), in particular **if such they arise from the provision** laid down in Article 63(2a), but the environmental permit must be accompanied by the project specifications. In his opinions, the **Regional Director for Environmental Protection in Szczecin and the Minister of Maritime Economy and Inland Waterways have determined relevant requirements** for using the environment. **In his decision** of 12 April 2019, the Mayor of Cedynia has also **indicated** that the environmental permit must specify the relevant requirements for using the environment, which are therefore contained in this decision. Pursuant to Article 85(1) and (2)(2) of the Act on publishing information about the environment and its conservation, public participation in environmental protection and on environmental impact assessments, **the environmental permit shall require a substantiation**, which, notwithstanding the requirements stated in the Code of Administrative Proceedings, should contain (if no environmental impact assessment has been conducted) **the information about the requirements referred to in Article 63(1)**, which have been determined upon the decision that the project does not require the environmental impact assessment. **The said information is contained in this justification.**

An analysis conducted by this authority based on the documents submitted by the investor, the opinion of the Regional Director for Environmental Protection in Szczecin, the State District Sanitary Inspector in Gryfino and the Minister of Maritime Economy and Inland Waterways, and the examination of the case based on the requirements stipulated in Article 63 of the Act on publishing information about the environment and its conservation, public participation in environmental protection and on environmental impact assessments, have made it possible to estimate the impact of the project on the environment. **Wherefore, this authority has decided as in the introduction**, that is that the project does not require an environmental impact assessment, and has set appropriate conditions of issuing the water permit, and relevant requirements for using the environment at the stages of execution and operation or use of the project, including in particular the obligation to protect valuable environmental assets, natural resources and monuments, and to limit the nuisance to the neighbouring areas.

INSTRUCTION

Pursuant to Article 127(1) and (2), Article 127a and Article 129(1) and (2) of the Code of Administrative Proceedings of 14 June 1960 (consolidated text: Polish Journal of Laws 2018, item 2096, as amended), the parties may **appeal** against this decision to the Self-government Appeals Court in Szczecin, through the Mayor of Cedynia, within 14 days from the date this decision was received. During the time for submitting the appeal, a Party may waive the right to appeal against the authority which issued the decision. 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.

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, **this decision shall be attached to the application** for the decisions referred to in paragraph 1 (*for example the **water permit***) and to the notifications referred to in paragraph 1a (*for example the notification of construction works or completion of construction works*). The application or notification shall be submitted **within 6 years** from the date the environmental permit became final and binding (with a proviso that, pursuant to Article 72(4) of the cited Act, the application or notification may be submitted within 10 years of the date the environmental permit became final and binding, if before the expiry of 6 years the party who submitted the application for environmental permit, or the entity to whom the permit has been assigned, received, from the authority which issued the environmental permit, a statement that the project is to be carried out in stages and that the requirements for executing the project, as specified in the environmental permit or in the decision referred to in Article 90(1) (if issued), remain in force. The statement shall take the form of an order, which must include the information about the condition of the environment and about the possibility to implement the requirements set forth in the environmental permit.).

A stamp duty of PLN 205 has been collected for issuing this decision, in accordance with point 45 of Schedule 1 to the Stamp Duty Act of 16 November 2006 (consolidated text: Polish Journal of Laws 2018, item 1044, as amended).

MAYOR
Adam Zarzycki

*Pursuant to Article 85(3) 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 issue the environmental permit, once the environmental impact assessment has been conducted, **shall publish the information about the permit** and about the possibility to read its contents and the documentation of the case, including the approvals and opinions by the authorities referred to in Article 77(1). **This provision shall apply accordingly to the environmental permits issued without conducting the environmental impact assessment.** In accordance with Article 74(4) of the cited Act, the authority issuing the environmental permit shall deliver it forthwith to the authorities whose opinions or approvals were required to issue the permit (that is the Regional Director for Environmental Protection in Szczecin, the State District Sanitary Inspectorate in Gryfino and the Director of the Regional Water Management Board – State Water Holding Polish Waters). Pursuant to Article 86a of the cited Act, the authority competent to issue the environmental permit shall deliver the final decisions referred to in Article 71(1) (environmental permits), along with the copies of their appendices, to the environmental protection authority referred to in Article 378 of the Environmental Protection Law of 27 April 2001 (that is to **the Head of Gryfiński District, the Regional Director for Environmental Protection in Szczecin and the Marshal of Zachodniopomorskie Province**).*

Appendices:
1. Project specification

Recipients:
1. Attorney of the State Water Holding Polish Waters
(Regional Water Management Board in Szczecin)
- Ms Krystyna Araszkiewicz of Sweco Consulting sp. z o. o.
ul. I. Łyskowskiego 16, 71-641 Szczecin
2. Parties to the proceedings as per the distribution list (held by the authority)
3. To files

Copy to:
1. Regional Director for Environmental Protection in Szczecin
2. State District Sanitary Inspector in Gryfino
3. Minister of Maritime Economy and Inland Waterways

4. Director of the Regional Water Management Board in Szczecin – State Water Holding Polish Waters
5. Head of Gryfiński District
6. Marshal of Zachodniopomorskie Province

MAYOR OF CEDYNIA
Plac Wolności 1
74-520 CEDYNIA

Appendix to the decision of
the Mayor of Cedynia dated 13
May 2019
Ref.: PIOS.6220.6.2018.AP

Specification of 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 663.1 of The Oder river' ***(based on the project information sheet)***

The task No. 1B.3/2, 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', covers the construction of icebreaker mooring facilities (having the form of dolphins located beyond the waterway boundary) in 8 independent locations at the section of the Oder river from the Nysa Łużycka to Szczecin, and the installation of new waterway signs. The task is carried out as part of the Odra-Vistula Flood Management Project (POPDOW), and aims at allowing safe and effective ice-breaking. This project is a part of the said Task 1B.3/2, which involves the construction of mooring facilities at km 663.1 of The Oder river, in Cedynia commune (Gryfiński district, Zachodniopomorskie province), near the village of Osinów Dolny.

The Investor has identified the project location as optimal for the mooring of icebreakers during ice-breaking operations. Today this place is admitted for hosting anchored vessels. Approximately 110 m away, there is a generally accessible earth road, and another earth road ensuring emergency access runs along the bank. The planned dolphins will be installed entirely in water, around 20 m from the right bank of the Oder river. The mooring facility will be deployed along the river axis; dolphins spaced at 10 m to 30 m, total length: approx. 110 m. It will have a fixed jetty providing connection with the bank. The planned mooring places will be marked upstream and downstream of the facility with appropriate signs used at inland waterways. Specific locations of the signs will be adjusted to the signs already existing.

The works will be carried out on the waterside. No site back-up facilities are planned for the project. The project is likely to involve related dredging works (if deemed necessary) to ensure a depth adequate for icebreakers. The works should be performed based on the average water depth necessary to maintain transport parameters of 1.8 m, or on the river channel elevation.

The grounds under flowing surface water (plot 1, precinct 0009 Osinów Dolny) are owned by the State Treasury (permanent operator: State Water Holding Polish Waters (PGW WP), Regional Water Management Board (RZGW) in Szczecin). The plot No. 2/1 is owned by the State Treasury – National Agriculture Support Centre (KOWR), Branch in Szczecin. The plot is classified as wasteland.

MAYOR
Adam Zarzycki