

Appendix: Appendix no. 12 to the EMP: The No-Objection to the Notification of the execution of works under Article 118 of the Law on Nature Protection issued by the Regional Director of Environmental Protection in Szczecin (the Statement issued 27.01.2023, reg. No: WOPN.670.167.2022.DM).



**Regional Director  
of Environmental Protection  
in Szczecin**



WOPN.670.167.2022.DM

Szczecin, on 27 of January 2023

**Ms  
Krystyna Araszkievicz  
Sweco Polska Sp. z o.o.  
ul. Łyskowskiego 16  
71 - 641 Szczecin**

**STATEMENT**

Pursuant to Article 122c § 1 of the Act of 14 June 1960 Code of Administrative Proceedings (Journal of Laws of 2022, item 2000, as amended), in connection with Article 118(6)(1) of the Act of 16 April 2004 on Nature Conservation (Journal of Laws of 2022, item 916, as amended), having considered the notification of Ms Krystyna Araszkievicz, plenipotentiary of the Regional Water Management Board in Szczecin PGW WP, dated 29 December 2022

**I notify that I have no objections**

for the execution of the planned works of backfilling the breach in the bed of the Odra river at km 734.600 (plot no. 18, district Śródmieście 112, Szczecin commune) with spoil from dredging works carried out at km 734.070 of the Regalica river

**Justification**

On 29 December 2022, this Authority received an application from the representative of RZGW in Szczecin PGW WP, Ms Krystyna Araszkievicz, dated 29 December 2022, concerning a notification under Article 11 8 (1) and (2) of the Nature Conservation Act of the intention to carry out activities on the Odra River. According to the submitted application, the planned works will involve the relocation of sediment from dredging works carried out at km 734.070 of the Regalica River to fill a breach in the bed of the Oder River at km 734.600.

The Regional Director for Environmental Protection in Szczecin, by summons of 2 January 2023 (ref.: WOPN.670.167. 2022.DM), indicated the necessity to supplement the application with information on the period of the creation of the breach planned for filling in. The lack of information on the issue indicated in the summons made it impossible to properly assess the application and undertake the correct administrative procedure, as the works in question may not have been subject to notification under Article 118 of the Nature Conservation Act, in accordance with Article 118b para. 4d of the aforementioned Act (the provisions of Articles 118 and 118a shall not apply to the activities referred to in Article 227(3) of the Act of 20 July 2017. - Water Law, which includes filling up of the breach in the banks and bottom of inland surface waters and their biological development, carried out within 2 years after their creation). The Plenipotentiary of RZGW in Szczecin PGW WP, by letter dated 10 January 2023, requested an extension of the deadline indicated for the submission of supplements, due to the need to collect materials documenting the period of creation of the breach planned to be backfilled. The said Authority granted the request.

An addendum was received on 10 January 2023, where it was indicated that analyses of bathymetric maps showed a lowering of the bottom level for the area in question already in 2016-2018, while measurements carried out this year showed a widening of the breach and dynamisation of the bottom degradation process at this location. On the basis of the submitted information, the RDOŚ in Szczecin concluded that the subject application qualifies for notification under Article 118 of the Nature Protection Act. At the same time, the applicant, in a letter of 25 January 2023, indicated that during the implementation of the investment, minimisation measures will be implemented, including: nature supervision during the execution of works, use of silt curtains and monitoring of water parameters by taking measurements of suspended solids concentration and dissolved oxygen in water.

The breach planned for backfilling is located outside the nature conservation areas. However, the sediment extraction site planned for use in the works in question is located within two Natura 2000 sites: Dolina Dolnej Odry PLB320003 and Dolna Odra PLH320037. For both areas, the provisions of the protection task plans, established respectively by an order of the Regional Director of Environmental Protection in Szczecin dated 30 April 2014, are in force. (Official Gazette of the Western Pomeranian Voivodeship, item 1934, as amended) and the Order of the Regional Director of Environmental Protection in Szczecin of 31 March 2014. (Dz. Urz. Woj. Zachodniopomorskie poz. 1661 as amended). Having analysed the available materials, including the data concerning the distribution of species and habitats that constitute the objects of protection in the above-mentioned Natura 2000 sites, the authority in question is of the opinion that, due to the nature and extent of the project, its implementation will not have a negative impact on the objects of protection in the above-mentioned Natura 2000 sites, as well as on other habitats and legally protected species. According to the materials in the Authority's possession, the Odra River along this section (including the vicinity of both the site of the project and the sediment intake) is the habitat of the asp *Leuciscus aspius*, which is the subject of protection in the Natura 2000 site Dolna Odra PLH320037. The occurrence of this species was also confirmed in the natural valorisation of the city of Szczecin (BKP 2018). Taking into account the extent of the minimisation measures, in particular regarding the reduction of the risks associated with the possible negative impact of the suspended solids generated during the backfilling of the breach, and the planned execution of the works outside the spawning season of the species, the local authority considered that the works indicated in the notification would not have a significant negative impact on the population of the species in the Natura 2000 site.

The planned activities do not contradict the provisions of the protection task plans of the Natura 2000 sites Dolina Dolnej Odry PLB320003 and Dolna Odra PLH320037. The planned activities are not covered by the obligation to obtain a decision on environmental conditions in accordance with Article 71 (2) of the Act of 3 October 2008 on providing information on the environment and its protection, public participation in environmental protection and environmental impact assessments (Journal of Laws 2022, item 1029, as amended). Thus, in accordance with Art.118 (7) of the Nature Conservation Act, there are no grounds for raising an objection.

In view of the above, the said Authority, pursuant to Article 122c § 1 of the Act of 14 June 1960 Code of Administrative Proceedings (Journal of Laws of 2022, item 2000, as amended), issued the present statement to the said notification.

### Advice note

Pursuant to Article 118(6)(2) of the Nature Conservation Act, the activities covered by the notification in question may be commenced no later than 2 years after the date specified in the notification for their commencement.

Acting Deputy Regional Director for  
Environmental Protection in Szczecin -  
Regional Nature Conservation Officer

[...]

Marcin Siedlecki

p.o. Zastępcy Regionalnego Dyrektora  
Ochrony Środowiska - Regionalnego Konserwatora  
Przyrody w Szczecinie  
  
Marcin Siedlecki

To whom: ZPO  
Chief Specialist  
Regional Directorate of Environmental  
Protection in Szczecin  
[...]  
Dorota Musielak  
27.01.2023

In place of the HEAD OF THE  
DEPARTMENT of Nature Protection and  
Natura 200 Sites  
Regional Directorate of Environmental  
Protection in Szczecin  
27.01.2023  
[...]  
Agnieszka Antoniów

Adresat: ZPO  
GŁÓWNY SPECJALISTA  
Regionalna Dyrekcja Ochrony Środowiska  
w Szczecinie

  
Dorota Musielak

27. 01. 2023

w/z NACZELNIKA WYDZIAŁU  
Ochrony Przyrody i Obszarów Natura 2000  
Regionalna Dyrekcja Ochrony Środowiska  
w Szczecinie 27 STY. 2023  
  
Agnieszka Antoniów