

*State Water Holding Polish Waters,
Regional Water Management Board in Szczecin*

ENVIRONMENTAL MANAGEMENT PLAN – ANNEX No 1

ODRA - VISTULA FLOOD MANAGEMENT PROJECT – 8524 PL

Environmental category B – according to the OP 4.01 WB

Component 1:

Flood Protection of the Middle and Lower Odra

Subcomponent 1B:

Flood Protection in the Middle and Lower Odra

Contract 1B.5/2:

*Reconstruction of the bridge to ensure minimum clearance - road bridge in
km 2.45 of the Warta River in Kostrzyn nad Odrą*

Issue	Date	Author	Checked by	Customer's Approval
II	August 2023	Ewa Nykiel-Gawlowska <i>Ewa Nykiel-Gawlowska</i>	Alicja Wilanowska <i>Alicja Wilanowska</i>	<i>Marta Kobuszynska-Chudzik</i> DYREKTOR Regionalnego Zarządu Gospodarki Wodnej w Szczecinie Pakutowego Gospodarstwa Wodnego

ODRA -VISTULA FLOOD MANAGEMENT PROJECT

co-financed by:

World Bank, Loan Agreement No. 8524 PL

The Council of Europe Development Bank, Framework Loan Agreement No. LD 1866

The European Union Cohesion Fund (Operational Programme Infrastructure and Environment 2014-2020)

State Budget

Environmental Management Plan

Component: 1- Flood Protection of the Middle and Lower Odra

Subcomponent: 1B- Flood Protection in the Middle and Lower Odra

Contract: 1B.5/2 - Reconstruction of the bridge to ensure minimum clearance - road bridge in km 2.45 of the Warta River in Kostrzyn nad Odrą

Project Implementation Unit:

State Water Management Polish Waters in Warsaw represented by the Director of the Regional Water Management Authority in Szczecin

Authors of the Study:

Project Implementation Office for the Odra - Vistula Flood Management Project

at the State Water Holding Polish Waters Regional Water Management Board in Szczecin

Technical Support Consultant of the Regional Water Management Board in Szczecin for the Odra - Vistula Flood Management Project -

Joint Venture: SWECO Consulting Sp. z o. o., SWECO Nederland B.V., Sweco Engineering Sp. z o. o., Ekocentrum – Wrocławski Ośrodek Usług Ekologicznych Sp. z o. o.

Szczecin, August 2023

Environmental Management Plan – Annex No 1

Contract 1B.5/2: Reconstruction of the bridge to ensure minimum clearance - road bridge in km 2.45 of the
Warta River in Kostrzyn nad Odrą

TABLE OF CONTENTS

1. INTRODUCTION AND SCOPE OF ANNEX.....	7
1.1 INTRODUCTION.....	7
1.2 SCOPE OF ANNEX.....	7
2. ENVIRONMENTAL CONSIDERATIONS RELATED TO THE ANNEX.....	8
3. DESCRIPTION OF THE UPDATES.....	10
3.1 UPDATES TO THE TEXT OF EMP.....	10
3.2 CHANGES TO ANNEX 1 MITIGATION ACTION PLAN AND ANNEX 2 MONITORING ACTION PLAN	11
4. PUBLIC CONSULTATION.	12

APPENDIX:

APPENDIX: Appendix: 4da to the EMP: Decision of the Regional Director for Environmental Protection in Gorzów Wielkopolski of 7.04.2023, , Reference No: WPN-I.6401.130.2023.JK.

Contract 1B.5/2: Reconstruction of the bridge to ensure minimum clearance - road bridge in km 2.45 of the
Warta River in Kostrzyn nad Odrą

1. INTRODUCTION AND SCOPE OF ANNEX

1.1 INTRODUCTION

The scope of Contract 1B.5/2 „Reconstruction of the bridge to ensure minimum clearance - road bridge in km 2.45 of the Warta River in Kostrzyn nad Odrą” task concerns the dismantling of the existing bridge and the construction of a new road bridge in Kostrzyn nad Odrą. The task also includes the execution of accompanying works in the form of extension of the national road No. 31 (General Wl. Sikorski Street) at the access to the bridge, execution of the necessary scope of network reconstruction.

During the execution of the Contract, the Contractor filed application to the Regional Director for Environmental Protection in Gorzów Wielkopolski to amend the derogation decision of 5 August 2019, ref. WPN-I.6401.248.2019.KS, constituting Appendix 4d to the EMP, as regards the extension of the derogation decision until 31 March 2025 and to the extent of allowing works involving the installation and dismantling of sheet piling necessary for the demolition of the existing bridge and the dismantling of the temporary bridge supports during the period from 1 March to 30 June, i.e., during the period of fish spawning and spawn incubation. The application was supported by the opinion of an expert ichthyologist, who also performs environmental supervision on the project in question.

An amendment to the decision of the Regional Director for Environmental Protection in Gorzów Wielkopolski requires the EMP to be amended accordingly in order to clarify the mitigation measure concerning the time limitations for carrying out works in the Warta and Postomia riverbeds.

1.2 SCOPE OF ANNEX

The annex takes into account the current assumptions for the implementation of the Task, as described in section 1.1. “Introduction”, which give conditions for the following amendments to the EMP:

- in the text of the EMP in chapter 5.4. „Surface water”, concerning the summary of the findings of the environmental impact assessment, in chapter 6.5. „Surface water and underground water”, concerning mitigation measures, and in the summary, additional provisions have been introduced as described in point 3 of this Annex;
- in Appendix 1 and 2: Item 37 is modified as indicated in point 3 of this Appendix;
- The EMP was supplemented by adding **Appendix: 4da to the EMP: Decision of the Regional Director for Environmental Protection in Gorzów Wielkopolski of 7.04.2023, Reference No: WPN-I.6401.130.2023.JK.**

2. ENVIRONMENTAL CONSIDERATIONS RELATED TO THE ANNEX

The change regarding the conditions for the implementation of the Task in question, i.e., making it possible to execute the work consisting in installing and dismantling sheet piling necessary for the demolition of the existing bridge and the dismantling of the temporary bridge supports during the period from 1 March to 30 June, the period of fish spawning and spawn incubation, appeared after the drafting of the EMP.

The condition indicating that works in the Warta and Postomia riverbeds should only be carried out outside the period of fish spawning and spawn incubation was indicated in the decision of the Regional Director for Environmental Protection in Gorzów Wielkopolski dated 5 August 2019, ref. WPN-I.6401.248.2019.KS, attached as Appendix 4d to the EMP. During the course of the works, taking into account the technology of demolition of the existing bridge and of the temporary bridge supports, an application was filed to the Regional Director for Environmental Protection to amend the above condition by allowing the installation and dismantling of sheet piling necessary for the demolition of the above structures without time constraints.

The installation of the sheet piling will consist of driving by a crane on a barge at certain points. The dismantled components will then be transported by barge to the banks. Both the sheet piling and the supports of the temporary bridge are constructed of metal material and are not filled with any concrete so there will be no risk of unwanted materials entering the river.

The dismantling of the sheet piling and the supports of the temporary bridge will not be carried out in parallel. Both the total width of the watercourse bed at the location of the bridge in question (approximately 150 m) and, in particular, the width of the clearance between the walls to be installed at the supports (between 25 and 31 m), ensure that the planned works will not cause any significant disturbance to the function of the analysed section of the watercourse as spawning sites for fish and lampreys or their breeding migration routes. The works sites do not provide any convenient locations for spawning and the reduction in the width of the passage available to fish will be negligible. Implementation of the works does not affect the ecological continuity of the watercourse, fish migration will be possible without significant interference.

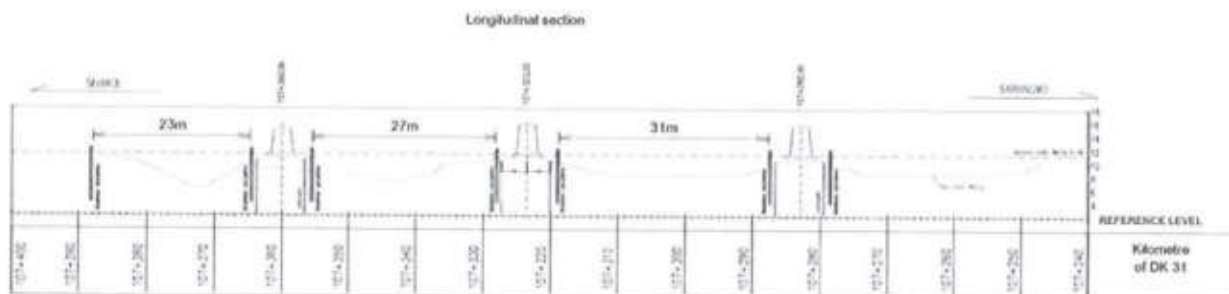


Figure 1. Illustrative drawing of the longitudinal section with sheet piling at the existing bridge supports

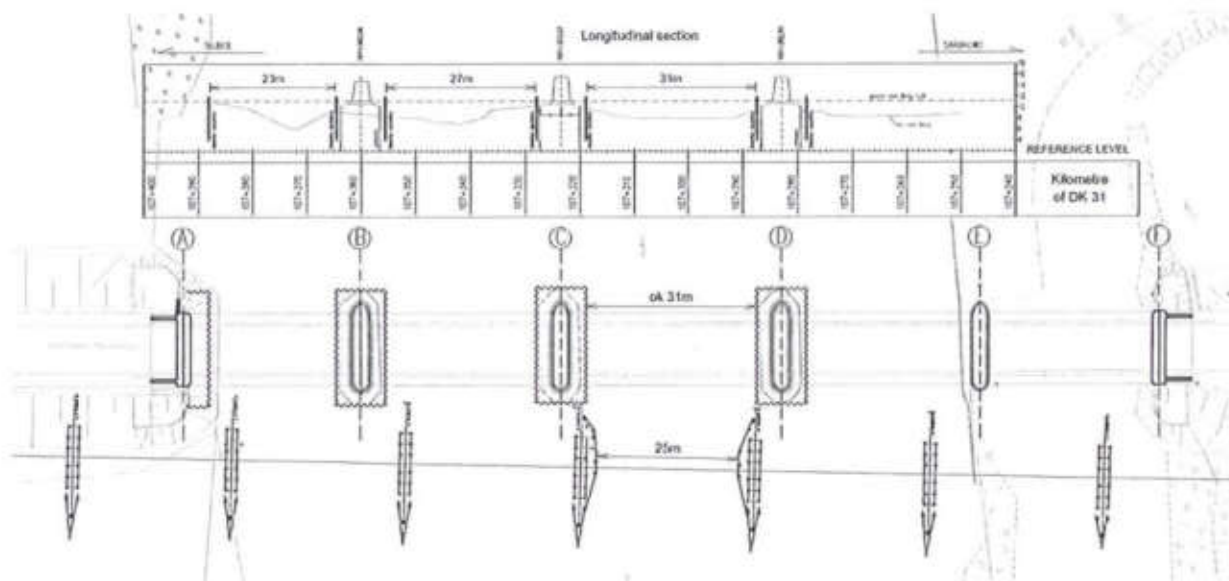


Figure 2. Illustrative drawing of the longitudinal section with sheet piling at existing bridge supports (red) and the location of temporary bridge supports (blue)

It is anticipated that the indicated activities will not have a negative impact on ichthyofauna with the mitigation measures as set out in the EMP. The work will be supervised by a specialist ichthyologist. The monitoring carried out by an ichthyologist will consist of a visual assessment - primarily observing whether there is excessive turbidity of the waters. Should this occur, the supervising ichthyologist will decide whether to stop works and when works can be resumed.

The above description and assumptions for conducting the works were presented in the opinion of an expert ichthyologist, attached to the application submitted to the Regional Director for Environmental Protection in Gorzów Wielkopolski, who on 7 April 2023 issued a decision, ref. WPN-I.6401.130.2023.JK, amending the decision of 5 August 2019, ref. WPN-I.6401.248.2019.KS, in which he authorised works related to the construction of sheet piling during the period of fish spawning and spawn incubation. Ten authority also prolonged the validity of the decision until May 31, 2025.

3. DESCRIPTION OF THE UPDATES

3.1 UPDATES TO THE TEXT OF EMP

As a result of the conditions described in Section 1.1, the following changes are made to the content of the EMP with regard to the works permitted during the fish spawning and spawn incubation period:

In the summary, in the section entitled *Animate nature* (page 12)

- After the sentence „The impact on the fish fauna will be limited by carrying out the works interfering with the Warta River and the Postomia River channels outside the spawning and roe incubation period, i.e. outside the period from March 1 to June 30.” a notation is added:
- *“During the fish spawning and spawn incubation period, only works involving the installation and dismantling of sheet piling necessary for the demolition of the existing bridge and the dismantling of the temporary bridge supports shall be permitted. These works shall be carried out under the supervision of a specialist ichthyologist.”*

In chapter 5.4. Surface waters, in the section entitled *Impact on ichthyofauna* (page 58)

- After the sentence „This impact will be minimised by adapting the time of works in the river channel to the spawning period (i.e. outside the period from March 1 to June 30), execution of works in the riverbed using technologies limiting the inflow of suspended matter to the waters (e.g. sheet piling enclosures) and ensuring the patency of the fish movement corridor in the Postomia River mouth.”, a notation is added::
- *“During the fish spawning and spawn incubation period, works involving the installation and dismantling of sheet piling necessary for the demolition of the existing bridge and the dismantling of the temporary bridge supports shall be permitted. These works shall be carried out under the supervision of a specialist ichthyologist.”*

To a point in chapter 5.4 Surface waters (page 60)

- A parenthesis is added to point „• carrying out the works outside the spawning period”, :
- *(This does not apply to works involving the installation and dismantling of sheet piling necessary for the demolition of the existing bridge and the dismantling of the temporary bridge supports),*

In chapter 6.5. Surface waters and groundwater (page 78)

- A parenthesis is added to point “• protection of fish fauna in the period of its increased sensitivity to impacts (by carrying out works interfering with the Warta and Postomia riverbed outside the period of fish spawning and spawn incubation”, :

- *(This does not apply to works involving the installation and dismantling of sheet piling necessary for the demolition of the existing bridge and the dismantling of the temporary bridge supports),*

3.2 CHANGES TO ANNEX 1 MITIGATION ACTION PLAN AND ANNEX 2 MONITORING ACTION PLAN

Due to the conditions described in Section 1.1, in terms of allowing the work consisting of installing and dismantling sheet piling necessary for the demolition of the existing bridge and the dismantling of the temporary bridge supports during the period from 1 March to 30 June, which is the period of fish spawning and spawn incubation, the following changes are made to the mitigation measures of the EMP in Appendix 1 and 2:

- modification of item 37 (Appendix 1)

– before amendment:

Item	Issue	Place	Mitigation measure	Responsible party
37	Protection of wildlife	Task implementation area	<p>Dates for execution of works in the Warta River bed channel and the Postomia River channel</p> <p>Works interfering with the Warta River and the Postomia River channels should be carried out outside the spawning and roe incubation period, i.e. outside the period from March 1 to June 30.</p>	Contractor

– after amendment:

Item	Issue	Place	Mitigation measure	Responsible party
37	Protection of wildlife	Task implementation area	<p>Dates for execution of works in the Warta River bed channel and the Postomia River channel</p> <p>Works interfering with the Warta River and the Postomia River channels should be carried out outside the spawning and roe incubation period, i.e. outside the period from March 1 to June 30.</p> <p>Does not apply to works involving the installation and dismantling of sheet piling necessary for the demolition of the existing bridge and the dismantling of the temporary bridge supports; works to be carried out under the supervision of an ichthyologist.</p>	Contractor

➤ modification of item 37. (Appendix 2)

– Before amendment

Item	Issue	Subject of monitoring	Place of monitoring	Responsible party	Monitoring method	Period and frequency of monitoring
37	Protection of wildlife	Dates for execution of works in the Warta River channel and the Postomia River channel Works interfering with the Warta River and Postomia River channels should be carried out outside the spawning and roe incubation period, i.e. outside the period from March 1 to June 30.	Task implementation area	Contractor's Team	Verification of the works schedule. Visual monitoring.	During the Task implementation period, on an ongoing basis, at least once a week.
				Engineer's Team	Verification of the documentation submitted by the Contractor to the Engineer. Visual monitoring.	During the Task implementation period, on an ongoing basis, at least once a month.

– After amendment

Item	Issue	Subject of monitoring	Place of monitoring	Responsible party	Monitoring method	Period and frequency of monitoring
37	Protection of wildlife	Dates for execution of works in the Warta River channel and the Postomia River channel Works interfering with the Warta River and Postomia River channels should be carried out outside the spawning and roe incubation period, i.e. outside the period from March 1 to June 30. Does not apply to works involving the installation and dismantling of sheet piling necessary for the demolition of the existing bridge and the dismantling of the temporary bridge supports; works to be carried out under the supervision of an ichthyologist.	Task implementation area	Contractor's Team	Verification of the works schedule. Visual monitoring.	During the Task implementation period, on an ongoing basis, at least once a week.
				Engineer's Team	Verification of the documentation submitted by the Contractor to the Engineer. Visual monitoring.	During the Task implementation period, on an ongoing basis, at least once a month.

All other provisions of the Environmental Management Plan, including the list of mitigation and monitoring measures, remain unchanged.

4. PUBLIC CONSULTATION.

The draft Environmental Management Plan (EMP) for Contract 1B.5/2 "Reconstruction of bridge to ensure a minimum clearance – Road bridge 2.45 km Warta River, Kostrzyn n/Odra" was subject to public consultation in the period from June to July 2020 and was conducted in accordance with the requirements of the World Bank's Operational Policy (OP 4.01).

The derogation decision, which is the basis for the Annex to the EIA and its appendices, does not concern the basic material scope of the bridge reconstruction. It does not affect the provisions of the environmental decision, which was subject to a public consultation process. The range of works

allowed during the spawning season indicated in the derogation decision does not go beyond the scope of works already subjected to public consultation in the environmental impact assessment procedure, and represents only a small part of the works.

The EMP change includes solely the fine-tuning of the mitigation measure resulting from the amendment of the aforementioned derogation decision in terms of indicating the works that can be carried out in the riverbed during the fish spawning and spawn incubation period (1 March to 30 June). The Regional Director for Environmental Protection in Gorzów Wielkopolski, by his decision, allowed for the possibility of carrying out works consisting of the installation and dismantling of sheet piling necessary for the demolition of the existing bridge and the dismantling of the temporary bridge supports. These works should be carried out under the supervision of an ichthyologist.

The decision of the Regional Director for Environmental Protection in Gorzów Wielkopolski was issued taking into account the opinion of an expert ichthyologist, who confirmed that the planned works will not cause any significant disturbance to the function of the analysed fragment of the watercourse as spawning grounds for fish and lampreys or their breeding migration routes.

The derogation decision does not disagree with the conditions indicated in the environmental decision, which did not contain any provision to prohibit works during the spawning season. Instead, the authority indicated therein that it is important to ensure the passage for fish during spawning, occupying for the works a maximum of 10% of the river width. The condition is indicated in relation to the Postomia river, which flows into the Warta river above the bridge, but this may nevertheless be a confirmation that the works in the riverbed do not endanger the fish during the spawning season as long as the passage for fish is ensured.

During the public consultations carried out as part of the environmental impact assessment for the environmental decision, as well as during the public consultations of the original EMP, there were no questions or comments from the public or NGOs regarding the scope and timing of the works in the Warta riverbed.

The issuance of the decision of the Regional Director for Environmental Protection in Gorzów Wielkopolski of 7.04.2023, mark WPN-I.6401.130.2023.JK, which is the basis for the amendments to the EMP, did not require public participation in the proceedings. The procedure for issuing the derogation decision, which is the basis for the Annex, was conducted by the Regional Director for Environmental Protection in Gorzów Wielkopolski with observance of the standards for the national procedure, including the required information disclosure to the parties of the proceedings.

The implementation of Annex 1 does not require a repeated public consultation procedure. The issuance of the Decision of the Regional Director for Environmental Protection in Gorzów Wielkopolski of 7 April 2023, ref. WPN-I.6401.130.2023.JK, which is the basis for the introduction of changes to the EMP, also did not require public participation in the proceedings.

Taking into account the above, it was concluded that the implementation of Annex No. 1 to the EMP does not require a renewed public consultation procedure.



23-04-13/060/WCN/P

Gorzów Wielkopolski, 07 April 2023

**Regional Director for
Environmental Protection in
Gorzów Wielkopolski**

WPN-I.6401.130.2023.JK

DECISION

Pursuant to Article 155 of the Act of 14 June 1960 – Code of Administrative Procedure (Journal of Laws of 2022, item 2000, as amended), having examined the application of Mr Rafal Chrostowski, Contract Manager of Warbud S.A., ul. Domaniewska 32, 02-672 Warsaw – acting under power of attorney from State Water Management Polish Waters Szczecin Catchment Board, dated 02 February 2023 (date of receipt at the office: 06 February 2023), supplemented with the correspondence of 13 March 2023, ref.: B/Kostrzyn/RC/693/23 (date of receipt at the office: 20 May 2020),

I hereby change

my decision, ref.: WPN-I.6401.248.2019.KS dated 05 August 2019, authorising the State Water Management Polish Waters, 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, 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.),
- 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*,

➤ **ORNITHOFAUNA**

- 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,

ICHTHYOFAUNA

- 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,

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 a road bridge at km 107+211 of National Road 31 in Kostrzyn nad Odrą (at km 2.45 of the Warta river), implemented as part of the Odra-Vistula Flood Management Project – Task 1B.5 Reconstruction of bridges to ensure minimum clearance", to the following extent:

the phrase:

"This permit is valid from 1 March 2020 to 31 May 2023.

I further oblige the Applicant to provide the Regional Director for Environmental 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 to the number of this decision."

is replaced by:

"This permit is valid until **31 March 2025**.

I further oblige the Applicant to provide the Regional Director for Environmental Protection in Gorzów Wielkopolski with a report on the extent to which this permit has been used, **until 30 April in the years 2023-2025**. The report must refer to the number of this decision."

and

the phrase:

“2. for ichthyofauna, the works must be carried out outside of the spawning and spawn incubation season, i.e. from 1 March to 30 June;”

is replaced by:

“2. for ichthyofauna, the works must be carried out outside of the spawning and spawn incubation season, i.e. from 1 March to 30 June with the exception of works consisting in the installation and dismantling of sheet piling necessary for the demolition of the existing bridge and the dismantling of the supports of the temporary bridge; works should be carried out under the supervision of an ichthyologist;”

In other respects, the decision in question, ref.: WPN-I.6401.248.2019.KS, dated 05 August 2019, is left unchanged.

STATEMENT OF REASONS

Mr Rafal Chrostowski, Contract Manager of Warbud S.A., ul. Domaniewska 32, 02-672 Warsaw – acting under power of attorney from State Water Management Polish Waters Szczecin Catchment Board, filed an application dated 02 February 2023 (date of receipt at the office: 06 February 2023), supplemented by correspondence dated 13 March 2023, ref.: B/Kostrzyn/RC/693/23 (date of receipt at the office: 16 March 2023) to change the decision ref.: WPN-I.6401.248.2019.KS dated 05 August 2019, authorising the State Water Management Polish Waters, 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, 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.), 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*, **ORNITHOFAUNA:** 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, **ICHTHYOFAUNA:** 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*

albipirmatus (3-5 spcs.), spined loach *Cobitis taenia* (20 spcs.), European weatherfish *Misgurnus fossilis* (5 spcs.), and amur 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, in connection with the necessity of carrying out the planned project entitled: "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 1B. 5 Reconstruction of bridges to ensure minimum clearance", in terms of extending the term of the decision, i.e., until 31 March 2025, and to amend the wording of paragraph 2 of the conditions to: "for ichthyofauna, the works must be carried out outside of the spawning and spawn incubation season, i.e. from 1 March to 30 June with the exception of works consisting in the installation and dismantling of sheet piling necessary for the demolition of the existing bridge and the dismantling of the supports of the temporary bridge", given the new date for the planned completion of the contact and the need to continue work on the demolition of the bridge. Attached to the application is a power of attorney for Mr Rafał Chrostowski, dated 20 December 2022, ref. SZ.ROA.0120.38.2022.TM; ichthyologist's opinion, dated 02 February 2023, by Dr Marcin Popiołek; illustrative photos of the longitudinal section with the sheet piling at the existing bridge supports and the location of the temporary bridge supports, and photos.

The Regional Director for Environmental Protection in Gorzów Wielkopolski, by his letter dated 17 March 2023, ref.: WPN-I.6401.130.2023.JK, notified the Applicant about the right of the party to read and comment on the evidence and materials collected before issuing a decision in the matter, pursuant to art. 10 § 1 of the Act of June 14, 1960 – Code of Administrative Procedure. During the course of the proceedings, the party has not exercised this right.

The application notes that the removal of the sheet piling and the supports of the temporary bridge will not be carried out in parallel. It was indicated that both the total width of the watercourse bed at the location of the bridge in question (approximately 150 m), and especially the width of the clearance between the walls to be installed at the supports (between 25 and 31 m), ensures that the planned works will not cause any significant disturbance to the function of the analysed section of the watercourse as potential spawning sites for fish and lampreys or their breeding migration routes. The application stresses that all works interfering with the riverbed will be supervised by a specialist ichthyologist. The installation of the sheet piling will involve driving by a crane located on a barge, at certain points, while the dismantling will involve pulling out the elements founded in the bottom, also by a crane located on a barge. The dismantled components will then be transported by barge to the banks. Both the sheet piling and the supports of the temporary bridge are constructed of metal material and are not filled with any concrete so there will be no risk of unwanted materials entering the river.

In view of the change in the duration of the permit in question, the Authority also changed the deadline for the submission of information on the use of the permit and, in addition to the change in the content of point 2, added that the work must be carried out under the supervision of an ichthyologist.

Pursuant to Article 155 of the Code of Administrative Procedure, a final decision by virtue of which a party has acquired a right may be revoked or amended at any time with the consent of the party by the public administration body that issued it, if specific provisions do not oppose the revocation or amendment of such a decision and the public interest or the legitimate interest of the party supports it.

With the above in mind, I rule as stated.

INSTRUCTION

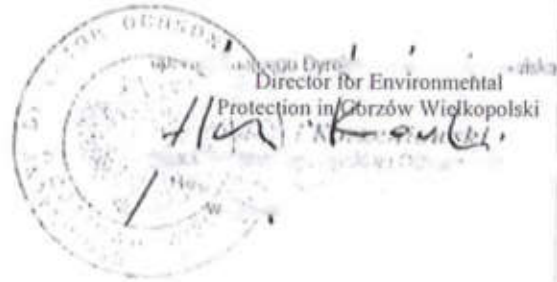
Pursuant to Article 130(4) of the Code of Administrative Procedure, a decision shall be enforceable before the expiry of the term to lodge an appeal if it is in line with the requests of all parties.

This decision is appealable – pursuant to Article 129(1) and (2) of the Code of Administrative Procedure, a party may appeal to the General Director for Environmental Protection, through the Regional Director for Environmental Protection in Gorzów Wielkopolski, within 14 days of the date the decision was served.

The applicant paid on 02 February 2023 stamp duty in the amount of PLN 41.00 (in words: forty-one zlotys 00/100) to the account of the City Office in Gorzów Wlkp. 44 1020 5402 0000 0302 0325 6575, in accordance with the Appendix part 3 item 46 of the Stamp Duty Act of 16 November 2006. (Journal of Laws 2022.2142 consolidated text) and on 13 March 2023 stamp duty for granting power of attorney in the amount of PLN 17.00 (in words: seventeen 00/100 zlotys) to the account of the City Council in Gorzów Wlkp. 44 1020 5402 0000 0302 0325 6575.

Joanna Kuternozińska

Senior Nature Conservation Specialist



Recipients:

1. Warbud S.A., ul. Domaniewska 32, 02-672 Warsaw
2. To files

