

State Water Holding Polish Waters

Regional Water Management Authority in Szczecin

ENVIRONMENTAL MANAGEMENT PLAN – ANNEX No 1

ODRA-VISTULA FLOOD MANAGEMENT PROJECT – 8524 PL

Environmental category B – in accordance with the World Bank OP 4.01

Component 1:

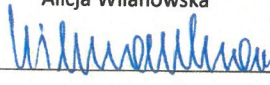
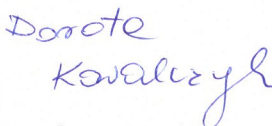
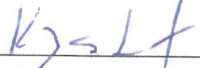
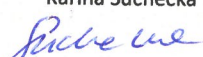
Flood protection of the Lower and Middle Odra

Subcomponent 1B:

Flood Protection on the Middle and Lower Odra

Contract 1B.2/3:

*Modernization works on boundary sections of Odra River, Stage I to provide
Good Condition for Ice-breaking – Part 3*

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ODRA-VISTULA FLOOD MANAGEMENT PROJECT

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State Budget

ENVIRONMENTAL MANAGEMENT PLAN – Annex No 1

Component: *1 – Flood protection of the Lower and Middle Odra*

Subcomponent: *1B – Flood Protection on the Middle and Lower Odra*

Contract: *Task 1B.2/3 Modernization works on boundary sections of Odra River, Stage I to provide Good Condition for Ice-breaking – Part 3*

Project Implementation Unit:

State Water Holding Polish Waters

Regional Water Management Authority in Szczecin

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Content

1.	Introduction and Scope of Annex	4
1.1	Introduction.....	4
1.2	Scope of Annex	4
2.	Environmental Considerations of the Contract Execution	6
3.	Updates to the Text of EMP.....	8
4.	Amendments to Appendix No. 1 and Appendix No. 2 – Mitigation and monitoring Measures.....	13

APPENDIX: Appendix 4aa to the EMP “Decision of the General Director for Environmental Protection of 16.08.2022 revoking the decision of the Regional Director for Environmental Protection in Szczecin of 18 March 2020, Case No. WONS-OŚ.4233.1.2017.KK.68, on environmental conditions for the project named: „1B.2 Stage I and Stage II Modernisation works on the border Odra as part of the Odra-Vistula Flood Management Project” in part and, to that extent, ruling on the merits of the case or discontinuing the proceedings of the first instance, and upholding the decision in the remaining part (Case No. DOOŚ-WDŚZOO.420.24.2020.aka.132 (previous Case No. DOOŚ-WDŚ/ZOO.420.58.2020.EW.aka).”

1. INTRODUCTION AND SCOPE OF ANNEX

1.1 INTRODUCTION

In the course of the appeal proceedings, on 16.08.2022 the General Director for Environmental Protection issued a decision **revoking** the decision of the Regional Director for Environmental Protection in Szczecin of 18 March 2020, Case No. WONS-OŚ.4233.1.2017.KK.68, on environmental conditions for the project named: „1B.2 Stage I and Stage II Modernisation works on the border Odra as part of the Odra-Vistula Flood Management Project” **in part and, to that extent, ruling on the merits of the case or discontinuing the proceedings of the first instance, and upholding the decision in the remaining part** (Case No. DOOŚ-WDŚZOO.420.24.2020.aka.132 (previous Case No. DOOŚ-WDŚ/ZOO.420.58.2020.EW.aka).

With regard to the part of the conditions of the decision of the Regional Director for Environmental Protection in Szczecin of 18 March 2020, Case No. WONS-OŚ.4233.1.2017.KK.68, which were transferred to the EMP, the General Director for Environmental Protection has introduced changes, consisting largely of clarification of the provisions. In order to maintain compliance of the execution of the project with the provisions of the decision of the General Director for Environmental Protection, it is necessary update the EMP accordingly.

The aforementioned decision is deemed final in the administrative due course of instance. However, in accordance with applicable regulations, one can file a complaint against the decision to the Voivodship Administrative Court in Warsaw. Since the complaint has been filed against the decision of the General Director for Environmental Protection, the outcomes arising from the decision currently depend upon the judgement delivered by the Voivodship Administrative Court in Warsaw. Any changes of the decision, if occur, affecting the terms and conditions of the contract may require the development of another Annex to the EMP.

1.2 SCOPE OF ANNEX

The Annex takes into account the current conditions of the Contract implementation due to the modification and clarification, during the appeal procedure, of selected conditions of the decision on environmental conditions issued by the Regional Director for Environmental Protection in Szczecin.

As a result of the appeal proceedings, the General Director for Environmental Protection, by the decision of 16.08.2022, Case No. DOOŚ-WDŚZOO.420.24.2020.aka.132, modified and clarified selected conditions for the implementation of the project, the inclusion of which in the EMP requires the following changes to the content of the EMP:

- in the text of the EMP, all provisions referring to the decision of the Regional Director for Environmental Protection in Szczecin of 18 March 2020, Case No. WONS-

OŚ.4233.1.2017.KK.68, on environmental conditions for the project named: „1B.2 Stage I and Stage II Modernisation works on the border Odra as part of the Odra-Vistula Flood Management Project” refer to the above decision in the wording resulting from the decision of the General Director of Environmental Protection of 16.08.2022 revoking the above decision of the Regional Director of Environmental Protection in Szczecin in part and in this respect ruling on the merits of the case or discontinuing the proceedings of the first instance, and in the remaining part maintaining the decision in force (Case No. DOOŚ-WDŚZOO.420.24.2020.aka.132 (previous Case No. DOOŚ-WDŚ/ZOO.420.58.2020.EW.aka);

- in the text of the EMP the entries in the summary and chapters 3.5. and 8.2.1.were updated with information on the appeal proceedings and the appeal decision issued by the General Director for Environmental Protection - a description of the supplementation is included in point 3. of this Annex;
- in the text of the EMP in chapter 2.2. (in table 2) the provision on conditional possibility to remove trees during the breeding season has been deleted - a description of the change is included in point 3. of this Annex;
- Appendix No. 1: Items No. 3, 9, 21, 25, 31, 32, 36, 37, 45, 47, 48, 50, 52, 53, 76, 77, 84, 85, 99, 106 – 110 are amended as indicated in point 4. of this Annex;
- Appendix No. 2: Item No. 152 is amended as indicated in point 4. of this Annex;
- Appendix 4aa is added: Decision of the General Director for Environmental Protection of 16.08.2022 revoking the decision of the Regional Director for Environmental Protection in Szczecin of 18 March 2020, Case No. WONS-OŚ.4233.1.2017.KK.68, on environmental conditions for the project named: „1B.2 Stage I and Stage II Modernisation works on the border Odra as part of the Odra-Vistula Flood Management Project” in part and, to that extent, ruling on the merits of the case or discontinuing the proceedings of the first instance, and upholding the decision in the remaining part (Case No. DOOŚ-WDŚZOO.420.24.2020.aka.132 (previous Case No. DOOŚ-WDŚ/ZOO.420.58.2020.EW.aka).

2. ENVIRONMENTAL CONSIDERATIONS OF THE CONTRACT EXECUTION

The decision of the General Director for Environmental Protection (the GDOŚ) issued in the appeal proceedings amends some of conditions of the decision of the Regional Director for Environmental Protection in Szczecin. In particular, the GDOŚ, as the appeal body, assessed the correctness and effectiveness of the relevant conditions for the use of the environment at the stage of implementation and operation or use of the project, the environmental protection requirements necessary to be included in the documentation at a further stage of the investment process and the conditions aimed at avoiding, preventing, limiting and mitigate negative impacts of the project on the environment, which were set out in the decision of the Regional Director for Environmental Protection (the RDOŚ) in Szczecin of 18 March 2020. The conditions set out in the decision of the RDOŚ in Szczecin in points: B.I.2.e, B.I.2.f (in part) B.I.2.i, B.I.3.b, B.I.3.C (in part), B.I.3.f (in part), B.I.4.a (in part), B.I.4.b, B.I.4.C (in part), B.I.4 .d (in part), B.I.4.f, B.I.5, B.I.10, B.I.11, B.I.12, B.I.13, B.I.14, B.I.15, B.I.23 were modified and clarified in the appeal proceedings. The GDOŚ also revoked and amended points B.III and B.IV.3. of the appealed decision, as the environmental monitoring conditions set out therein were formulated in an imprecise manner, which could hinder their implementation.

In particular, the GDOŚ:

- modified and clarified the requirements concerning the organisation of building sites and back-up facilities, as they were formulated in too general a manner and, moreover, did not indicate all the necessary environmental safeguards to be implemented;
- clarified the location of sites of protected plant and animal species, protected natural habitats and other valuable natural areas to be safeguarded against destruction or damage as well as the location of areas to be excluded from the location of elements of back-up facilities;
- clarified the deadlines for the prohibition of works, particularly with regard to the breeding periods of selected animal species;
- ruled out completely the possibility of removing trees during the breeding season (the original decision allowed partial removal during the breeding season subject, in particular, to confirming by an expert ornithologist that trees are free from breeding birds);
- clarified the provisions on safeguarding natural habitats / sites of protected species and trees;
- clarified the conditions and deadlines for carrying out mitigation measures in relation to works enabling the formation of the habitat rivers with muddy banks with *Chenopodium rubri p.p. and Bidention p.p.* vegetation. (3270) and the removal of invasive plants, as well as introducing the obligation to provide botanical supervision of these works;

- clarified the condition concerning works during daytime by specifying that daytime should be understood as the period between 6 a.m. and 10 p.m. in the case of areas subject to noise protection on the Polish side and between 7 a.m. and 8 p.m. in the case of areas subject to noise protection on the German side;
- specified the requirements regarding the need for noise measurements during the implementation phase.

In environmental and social terms, the changes introduced do not generate new impacts of a negative nature. The conditions for the execution of the works have been modified and clarified, and additional conditions have been imposed in order to limit the impact of the project on the natural and social environment in the Task execution area and its vicinity.

Changes resulting from the decision of the GDOŚ, made to the EMP, are specified in points 3 and 4 of this Annex.

It should be emphasised that the scope of the amendments in question was the subject of public consultation. In the course of the appeal proceedings, the GDOŚ provided the opportunity for public participation in the proceedings from 17 January to 15 February 2022 on the territory of Poland (notice of 3 January 2022, mark: DOOS- WDSZOO.420.24.2020.aka.79) and from 16 February to 17 March 2022 on the territory of Germany (notice of 3 January 2022, mark: DOOS- WDSZOO.420.24.2020.aka.81).

By the notice dated 16.08.2022, published on the GDOŚ website, the GDOŚ informed of the issuance of the decision, and then made the content of the decision public by posting on the website: <https://www.gov.pl/web/gdos/decyzja-generalnego-dyrektora-ochrony-srodowiska-z-dnia-16-sierpnia-2022-r-znak-does-wdszoo420242020aka132>.

3. UPDATES TO THE TEXT OF EMP

The following changes and additions to the text of the EMP are hereby incorporated by means of this Annex.

- **In the summary in point „Status of administrative procedures for EIA”**

The text:

„The Regional Director for Environment Protection in Szczecin conducted an environmental impact assessment for the entire investment, i.e. Stage I and Stage II of modernisation works on the border Odra, which includes the Task. The proceeding was concluded with the Regional Director for Environment Protection in Szczecin issuing the environmental permit No. 5/2020 (WONS-OŚ.4233.1.2017.KK.68) on 18 March 2020. The environmental permit, being immediately enforceable, is contained in Appendix 4 to the EMP. The environmental permit is contained in Appendix 4a to the EMP. As at the date of publishing this EMP, the permit is not final.

The environmental permit defines the impact on the environment and the scope of mitigating measures, considering comprehensive execution of the full scope of the project as specified in the environmental permit.”

Is replaced with the text:

„The Regional Director for Environment Protection in Szczecin conducted an environmental impact assessment for the entire investment, i.e. Stage I and Stage II of modernisation works on the border Odra, which includes the Task. The proceeding was concluded with the Regional Director for Environment Protection in Szczecin issuing the environmental permit No. 5/2020 (WONS-OŚ.4233.1.2017.KK.68) on 18 March 2020. The environmental permit, being immediately enforceable, is contained in Appendix 4 to the EMP. The environmental permit is contained in Appendix 4a to the EMP.

Due to the filing of an effective appeal against the above-mentioned decision, the General Director for Environmental Protection conducted an appeal procedure, in the framework of which the GDOŚ examined the case both as regards the factual and legal circumstances, finding grounds to revoke the decision of the RDOŚ in Szczecin of 18 March 2020 in part and to that extent to rule on the merits of the case or to discontinue the proceedings of the first instance. The remainder of the decision is, in the opinion of the appeal body, correct, which justifies upholding that part of the decision. The proceedings were concluded with the issuance of the appeal decision of the GDOŚ: the decision of the General Director of Environmental Protection of 16.08.2022 2022 revoking the decision of the Regional Director for Environmental Protection in Szczecin of 18 March 2020, Case No. WONS-OŚ.4233.1.2017.KK.68, on environmental conditions for the project named: „1B.2 Stage I

and Stage II Modernisation works on the border Odra as part of the Odra-Vistula Flood Management Project” in part and, to that extent, ruling on the merits of the case or discontinuing the proceedings of the first instance, and upholding the decision in the remaining part (Case No. DOOŚ-WDŚZOO.420.24.2020.aka.132 (previous Case No. DOOŚ-WDŚ/ZOO.420.58.2020.EW.aka) – the GDOŚ appeal decision is included in Appendix No. 4aa to the EMP.

The environmental decision - as determined by the appeal decision of the GDOŚ - specified the impact on the environment and the scope of mitigation measures, taking into account the total implementation of the full investment scope, included in the environmental decision”.

The aforementioned decision is deemed final in the administrative due course of instance. However, in accordance with applicable regulations, the decision of the General Director for Environmental Protection is subject to a complaint to the Voivodship Administrative Court, which was filed to the Voivodship Administrative Court in Warsaw through GDOŚ”.

- **In point 2.2. „Task Characteristics” in table 2 „Basic periods excluded from the schedule for this Task (the Table is only indicative and the Contractor is bound by the provisions set out in Appendix 1 and in the administrative decisions contained in Appendix 4 to the EMP)”:**

In the last line of the third column, the following entry is deleted:

„Conditionally, felling allowed after an inspection carried out by an ornithologist during the breeding season, up to 3 days before the date of felling, which will confirm the absence of nests and broods of birds”.

- **In point 3.5. „Current Status of EIA Procedures for the Task”**

Entry:

„As of the date of publication of the EMP (04/09/2020) the decision is not final. The permit sets out the environmental requirements for the implementation of the Task. A copy of the permit is attached as Appendix 4a to the EMP.”

Is replaced with:

„Due to the filing of an effective appeal against the above decision, bearing in mind, expressed in Article 15 of the Code of Administrative Procedure, the principle of two-instance administrative proceedings, the essence of which is to ensure the right of the parties to consider and resolve the case twice, the GDOŚ, within the framework of the appeal proceedings, initiated on 5 April 2020, analysed the collected evidence, including the application for the decision, the EIA report with supplements, the appealed decision, the appeals filed and comments filed during public participation. In the course of the appeal proceedings, the GDOŚ examined the case both as regards the factual and legal

circumstances, finding grounds to revoke the decision of the RDOŚ in Szczecin of 18 March 2020 in part and to that extent to rule on the merits of the case or to discontinue the proceedings of the first instance. The remainder of the decision is, in the opinion of the appeal body, correct, which justifies upholding that part of the decision. The proceedings were concluded with the issuance of the appeal decision of the GDOŚ: the decision of the General Director of Environmental Protection of 16.08.2022 2022 revoking the decision of the Regional Director for Environmental Protection in Szczecin of 18 March 2020, Case No. WONS-OŚ.4233.1.2017.KK.68, on environmental conditions for the project named: „1B.2 Stage I and Stage II Modernisation works on the border Odra as part of the Odra-Vistula Flood Management Project” in part and, to that extent, ruling on the merits of the case or discontinuing the proceedings of the first instance, and upholding the decision in the remaining part (Case No. DOOŚ-WDŚZOO.420.24.2020.aka.132 (previous Case No. DOOŚ-WDŚ/ZOO.420.58.2020.EW.aka) – the GDOŚ appeal decision is included in Appendix No. 4aa to the EMP.

The aforementioned decision is deemed final in the administrative due course of instance.

The decision of the General Director for Environmental Protection, in accordance with Article 50 § 1 of the Act of August 30, 2002. - Law on Proceedings before Administrative Courts (Journal of Laws of 2022, item 329, as amended) is subject to a complaint to the Voivodship Administrative Court, which was filed to the Voivodship Administrative Court in Warsaw through GDOŚ”.

- **W punkcie 8.2.1. „Consultation Within the Framework of the Environmental Impact Assessment”**

At the end of the sentence „Full description of the proceedings was included in the justification for the abovementioned permit and in Annex 3 to the permit entitled "Responses to comments submitted in the public consultation conducted during the procedure" (Annex 4a to the EMP”, the entry is added:

On: 21 and 22 April 2020, 15 June 2020 and 12 and 13 August 2020, successful appeals against the above decision were filed by:

- Klub Przyrodników and Ecological Association EKO-UNIA
- Stepnica Tourist Organisation Nie Tylko dla Orłów
- Ministerium für Landwirtschaft, Umwelt und Klimaschutz des Landes Brandenburg
- Deutsche Umwelthilfe e.V, Naturschutzbund Deutschland (NABU) e.V.
- Bund für Umwelt und Naturschutz Deutschland, Landesverband Brandenburg e.V.
- Deutscher Naturschutzring Dachverband der deutschen Natur-, Tier- und Umweltschutzorganisationen (DNR) e.V.

Due to the filing of an effective appeal against the above decision, having in mind the principle of two-instance administrative proceedings, expressed in Article 15 of the Code of Administrative Procedure, the essence of which is to ensure the right of the parties to consider and resolve the case twice, the GDOŚ initiated on 5 April 2020 the appeal proceedings. In the course of the appeal proceedings, the GDOŚ ensured the possibility of public participation in the proceedings.

After the final supplemented EIA report was received by the GDOŚ on 29 December 2021, by a notice of 3 January 2022, the GDOŚ made it known to the public that from 17 January 2022 to 15 February 2022 on the territory of Poland the possibility of public participation in the proceedings in question was provided, during which all interested parties could read the case documentation and submit comments and applications. Meanwhile, public participation in Germany was set from 16 February 2022 to 17 March 2022, which is based on the dates and methods of publication of the notices in Germany. The notice also included information on the submission of the unified final EIA report.

Subsequently, after the expiry of the time limits for public participation, the GDOŚ notified the parties to the proceedings pursuant to Article 10 § 1 of the Code of Administrative Procedure of the possibility to familiarise themselves with the evidence and to comment on the collected evidence and materials and the submitted demands. This notice was sent to the Polish parties on 1 March 2022 (individually and pursuant to Article 49 § 1 of the Code of Administrative Procedure), while in Germany the notice was made public on 5 April 2022.

Prior to the issuance of the decision ending the appeal proceedings, during the period set by the GDOŚ to familiarise themselves with the evidence and to comment on the evidence and materials gathered and the demands made, the parties to the proceedings reiterated the position taken in the appeals and presented additional allegations.

The GDOŚ did not share the appeals presented by the supplementary appeals and the allegations attached to them, which was reflected in the justification of the GDOŚ appeal decision of 16.08.2022 revoking the decision of the Regional Director for Environmental Protection in Szczecin of 18 March 2020, Case No. WONS-OŚ.4233.1.2017.KK.68, on environmental conditions for the project named: „1B.2 Stage I and Stage II Modernisation works on the border Odra as part of the Odra-Vistula Flood Management Project” in part and, to that extent, ruling on the merits of the case or discontinuing the proceedings of the first instance, and upholding the decision in the remaining part (Case No. DOOŚ-WDŚZOO.420.24.2020.aka.132 (previous Case No. DOOŚ-WDŚ/ZOO.420.58.2020.EW.aka).

By the notice dated 16.08.2022, published on the GDOŚ website, the GDOŚ informed of the issuance of the decision, and then made the content of the decision public by posting on the website: <https://www.gov.pl/web/gdos/decyzja-generalnego-dyrektora-ochrony-srodowiska-z-dnia-16-sierpnia-2022-r-znak-doos-wdszoo420242020aka132>.

A full description of the appeal proceedings, including a reference to the comments and motions as well as the objections raised by the public and the parties to the proceedings, was included by the General Director for Environmental Protection in the justification of the aforementioned decision (Appendix No. 4aa to the EMP).

The decision of the General Director for Environmental Protection, in accordance with Article 50 § 1 of the Act of August 30, 2002. - Law on Proceedings before Administrative Courts (Journal of Laws of 2022, item 329, as amended) is subject to a complaint to the Voivodship Administrative Court, which was filed to the Voivodship Administrative Court in Warsaw through GDOŚ”.

4. AMENDMENTS TO APPENDIX NO. 1 AND APPENDIX NO. 2 – MITIGATION AND MONITORING MEASURES

The Contractor must apply all the conditions for carrying out the works specified in the appendices to the EMP for Contract 1B.2/3: Appendix No. 1 “Mitigation measures plan”, Appendix No. 2 “Monitoring activities plan”, corresponding to the types of works carried out.

All administrative decisions necessary for the execution of the works, if such necessity is identified, are to be obtained by the Contractor, at the stage of carrying out the works.

In order to comply at the Task execution area with the conditions set out in the decision of the General Director for Environmental Protection, the following changes are made to the conditions of the EMP contained in both Appendix No. 1 and Appendix No. 2 under the same item number 3, 9, 21, 25, 31, 32, 36, 37, 45, 47, 48, 50, 52, 53, 76, 77, 84, 85, 99, 106 - 110.

Item *	Description of the measure - previous entry	Description of the measure set by the Annex
3.	<p><i>Sites where it is forbidden to locate materials storage areas</i></p> <p>The Contractor shall not locate materials storage areas within the following environmentally sensitive areas:</p> <ul style="list-style-type: none"> at the kilometres indicated in item 2, within natural habitats: 6430 – approx. km 655.2; 661.2; 91E0 – approx. km 654.2–654.4; 655.0–655.3; 657.9–661.0; 661.2–662.3; within damp depressions where communities indicative for natural habitat 3270 could grow in summer, as it is necessary to restore the river bank to its properties allowing the formation of that habitat. 	<p><i>Sites where it is forbidden to locate construction back-up facilities, including storage areas for construction materials, substances and chemicals used at the stage of the project execution and waste storage areas</i></p> <p>Construction back - up facilities, including storage areas for construction materials, substances and chemicals used at the stage of project implementation, and waste storage areas should be organised with the participation of the Contractor’s environmental supervision and located:</p> <ul style="list-style-type: none"> outside the protected natural habitats found in km ca.: 6430 – ok. km 655.2; 661.2; 91E0 – ok. km 654.2 – 654.4; 655.0 – 655.3; 657.9 – 661.0; 661.2 - 662.3; outside the protected animal sites found at km approx.: 650.5 – 656.0; 656.5 – 661.0 (most valuable bird and herpetofauna habitats); 645.0 – 663.0 (habitats of protected invertebrates), outside the protected animal sites found at km approx.: 650.5 – 656.0 (northern, wetland part of section IV); 656.5 – 661.0 (wetland Rozlewisko Kostrzyneckie), outside forest areas outside habitat 3270 flooded muddy riverbanks with <i>Chenopodium rubri p.p.</i> and <i>Ali. Bidention tripartite</i>, the location of which will be verified by the Contractor’s environmental supervision team a maximum of 3 days prior to the date of construction of the construction facilities, and outside of humid depressions where indicator communities for habitat 3270, i.e. flooded

Environmental Management Plan

Contract 1B.2/3 Modernization works on boundary sections of Odra River, Stage I to provide Good Condition for Ice-breaking – Part 3 - ANNEX No. 1

		<p>muddy riverbanks, can develop.</p> <p>Outside of the breeding season, a temporary site for the collection of construction materials is allowed in a section 500 m east of the concrete road (approx. km 656.4).</p>
9.	<p>b) no new roads shall be made or paved at km 654.0–663.0 (wetland areas). The existing paved road running from Stara Rudnica to the bank of Odra may only be used in winter (from December to February), upon approval of the location by Contractor’s environmental supervision team.</p> <p>Requirements for traffic management at the task site are given particularly in items 55 – 66 of Appendix 1 to the EMP.</p>	<p>b) no new roads shall be made or paved at km 654.0–663.0 (wetland areas). The existing paved road running from Stara Rudnica to the bank of Odra may only be used in winter, i.e. from the beginning of December to the end of February, upon approval of the location by Contractor’s environmental supervision team.</p> <p>Requirements for traffic management at the task site are given particularly in items 55 – 66 of Appendix 1 to the EMP.</p>
21.	<p>b) The Contractor shall not locate any materials storage areas in damp depressions where the communities indicative for that habitat could grow in summer,</p>	<p>b) silt and uncontaminated sandy material resulting from demolition and upgrading of groynes should be reused by depositing it in whole or in part on the inter-groyones areas and at the head of the groynes,</p>
25.	<p>f) the works on the construction and modernisation of groynes, approach wall, river wall and bank reinforcement, carried out in areas where Contractor’s environmental supervision team discovered natural habitat 3270 and the strapwort, must be conducted outside the habitat shaping season, i.e. from October till the end of February.</p> <p>The measures listed in (a) to (f) shall be participated by Contractor’s environmental supervision team.</p>	<p>f) the works on the reconstruction of groynes, the construction of approach wall and dam, and bank reinforcement must be conducted outside the period from 1 April to 30 September. It is possible to carry out works during the above period after an inspection by a botanist of Contractor’s environmental supervision team has ruled out the presence of habitat 3270 and strapwort in the area of the envisaged works. If the botanist confirms the presence of habitat 3270 or strapwort, it is prohibited to carry out works on the site for the reconstruction and construction of spurs between 1 April and 30 September.</p> <p>The measures listed in (a) to (f) shall be participated by Contractor’s environmental supervision team. The entire work must be carried out under the direct supervision and in accordance with the comments of a botanist from the Contractor’s environmental supervision team, who is obliged to monitor the way in which the above-described procedures are carried out on an ongoing basis.</p>
31.	<p>[...]</p> <p>f) the works shall be carried out in an optimum period, i.e. at the turn of June and July, which will provide an adequately long period for the relocated plants to grow in new conditions, taking into account the ecological conditions in each year.</p> <p>The measures specified in point 6 (a) to (f) shall be participated by Contractor’s environmental supervision team, which must in particular conduct a survey of the positions of fringed water lily, develop a meta-plantation scheme in the form of a Quality Assurance Plan that must be approved by the Engineer, make appropriate arrangements with environmental protection services, and carry out direct environmental supervision over the works.</p>	<p>[...]</p> <p>f) the works shall be carried out in the period indicated by botanist of Contractor’s environmental supervision team, with the optimum period being at the turn of June and July, which will provide an adequately long period for the relocated plants to grow in new conditions, taking into account the ecological conditions in each year.</p> <p>The measures specified in point 6 (a) to (f) shall be participated by Contractor’s environmental supervision team, which must in particular conduct a survey of the positions of fringed water lily, develop a meta-plantation scheme in the form of a Quality Assurance Plan that must be approved by the Engineer, make appropriate arrangements with environmental protection services, and carry out direct environmental supervision over the works. The work is to be carried out under the direct supervision and in accordance with the comments of a botanist from the</p>

Environmental Management Plan

Contract 1B.2/3 Modernization works on boundary sections of Odra River, Stage I to provide Good Condition for Ice-breaking – Part 3 - ANNEX No. 1

		Contractor's environmental supervision team, who will monitor on an ongoing basis how the treatments described above are carried out.
32.	7. The project works at the groynes neighbouring the positions of fringed water lily, including those existing at approx. km 654.1; 654.6; 656.3; 657.9; 658.1 and 661.1, must be conducted after the growing period, that is in October and November.	7. The project works at the groynes neighbouring the positions of fringed water lily, including those existing at approx. km 654.1; 654.6; 656.3; 657.9; 658.1 and 661.1, must be conducted after the growing period, that is from 1 October to 30 November.
36.	b) during the works involving the demolition of groynes and the placement of new structures in the riverbed, performed between October and December, i.e. during the migration of bi-environmental salmonids and the river lamprey, the Contractor shall use curtains restricting the work site to approx. 10 m around the facilities under works,	b) during the works involving the demolition of groynes and the placement of new structures in the riverbed, performed from 1 October to 31 December, i.e. during the migration of bi-environmental salmonids and the river lamprey, the Contractor shall use curtains restricting the work site to approx. 10 m around the facilities under works,
37.	c) any construction works carried out from October to December, which interfere in the river bed (such as the demolition of damaged groynes or the placement of new structures in the bed), shall be conducted by the Contractor according to the following rules, based on the results of monitoring of suspended matter concentration and water oxygenation (see item 148 of Appendix 2 to the EMP): [...]	c) any construction works carried out from 1 October to 31 December, which interfere in the river bed (such as the demolition of damaged groynes or the placement of new structures in the bed), shall be conducted by the Contractor according to the following rules, based on the results of monitoring of suspended matter concentration and water oxygenation (see item 148 of Appendix 2 to the EMP): [...]
45.	<p><i>Protection of natural habitats and the habitats of protected animal and plant species</i></p> <p>a) in order to protect various environmental compartments against the adverse effect of the Task, during the Task-related works (involving earthworks, materials storage and machinery circulation) the Contractor shall take into account the locations of natural habitats and the habitats of protected animal and plant species by fencing such locations (e.g. with forest netting) or by Contractor's environmental supervisors clearly signing those locations in the field (e.g. with an information board) at the following kilometres*: within the sites of protected plant and animal species: 654.0–656.0 (Appendix 9a to the EMP) and 656.5–661 (Appendix 9b to the EMP) and within the following natural habitats: 6430 – approx. km 655.2; 661.2; 91E0 – approx. km 654.2–654.4; 655.0–655.3; 657.9–661.0; 661.2–662.3 (Appendix 8 to the EMP).</p> <p>* With regard to the kilometres exceeding the immediate work sites of the Task, the requirement applies to materials storage places or access roads.</p>	<p><i>Protection of natural habitats and the habitats of protected animal and plant species</i></p> <p>a) Sites of protected plant and animal species, protected natural habitats and other valuable natural areas listed under item 3 (see Appendix 4aa - points 14, 15 of the appeal decision) must be protected against destruction or damage by fencing (e.g. with a net) or visibly marking them (e.g. with an information board). Safeguards and markings must be carried out under the supervision of Contractor's environmental supervisors*.</p> <p>* With regard to the kilometres exceeding the immediate work sites of the Task, the requirement applies to materials storage places or access roads.</p> <p>The location of the habitats of protected animal species and plant habitats are shown in the Appendices to the EMP:</p> <ul style="list-style-type: none"> habitats of protected animal and plant species: 654.0 - 656.0 (Appendix 9a to the EMP), 656.5 - 661 (Appendix 9b to the EMP) natural habitats: 6430 - approx. km 655.2; 661.2; 91E0 - approx. km 654.2 - 654.4; 655.0 - 655.3; 657.9 - 661.0; 661.2 - 662.3 (Appendix 8 to the EMP).
47.	<p><i>Protection of birds from the sparrow family which nest in the rushes and grey willows on the bank</i></p> <p>Before starting works on a given groyne and planned river wall or bank reinforcement, the Contractor shall remove any covering vegetation within 30 m, outside the breeding season, i.e. from August to the end of February.</p> <p>The area of plant clearing within 30 m from the groyne base to protect birds from the sparrow family is shown on</p>	<p><i>Protection of birds from the sparrow family which nest in the rushes and grey willows on the bank</i></p> <p>Before starting works at a given groyne, bank reinforcement, approach wall or dam, the Contractor shall remove any plants covering the groyne within 30 m from its base, outside the breeding season, i.e. from 1 September to the end of February.</p> <p>The area of plant clearing within 30 m from the groyne base</p>

	the views in Appendix 7a to the EMP.	to protect birds from the sparrow family is shown on the layout plans in Appendix 7a to the EMP.
48.	<p><i>Counteracting the limitation of availability of potential breeding habitats for lani and charadrii</i></p> <p>Prior to the commencement of the modernisation works, the Contractor shall construct at least two low “nursery” floating islands with a total area of approx. 250 m² outside the riverbed, i.e. in the vicinity of Chlewice, on plot no. 272 Chlewice precinct, Boleszkowice commune, Myśliborski district with the following assumptions: construct low floating islands without a „sill” protruding outside, above the water, in a cellular concrete structure, with positive buoyancy, quickly overgrowing with vegetation. The surface of the platform will be covered with a few centimetres’ layer of soil and a special biotextile for the development of plants, so that it quickly fits into the landscape and becomes settled by ornithofauna.</p> <p>Additional platforms will be located next to breeding platforms already in operation. The detailed location of the platforms and the requirements for the functionality of the islands will be indicated by the host of the waters on which the breeding islands requiring the addition of the low floating islands in question are located. The Contractor, with the participation of the Contractor’s environmental supervision team, will develop, for the Engineer’s approval, the manner of implementation of the measure in the form of a Quality Assurance Plan.</p> <p>Note: Note: The measure is covered by the Option in accordance with Sub-Clause 13.8 of the Detailed Terms and Conditions of the Contract (Part 3 of the Bidding Document)</p>	<p><i>Counteracting the limitation of availability of potential breeding habitats for lani and charadrii</i></p> <p>Prior to the commencement of the modernisation works, the Contractor shall execute at least two low “nursery” floating islands with a total area of approx. 250 – 300 m² outside the riverbed, i.e. in the vicinity of Chlewice, on plot no. 272 Chlewice precinct, Boleszkowice commune, Myśliborski district with the following assumptions: construct low floating islands without a „sill” protruding outside, above the water, in a cellular concrete structure, with positive buoyancy, quickly overgrowing with vegetation. The surface of the platform will be covered with a few centimetres’ layer of soil and a special biotextile for the development of plants, so that it quickly fits into the landscape and becomes settled by ornithofauna.</p> <p>The edges of the islands should be fenced with a mesh fence with a mesh size of 0.5 x 0.5 cm and a height of 50 cm.</p> <p>Additional platforms will be located next to breeding platforms already in operation. Detailed location of the platforms and the requirements for the functionality of the islands will be indicated by the host of the waters being sites for the breeding islands requiring the addition of the low floating islands. The Contractor together with its environmental supervision team shall prepare and submit to the Engineer for approval the measure implementation method to be made as a Quality Assurance Plan. All works to be executed under the control and direct supervision of an ornithologist from the Contractor’s environmental supervision team.</p> <p>Note: The measure is covered by the Option in accordance with Sub-Clause of the Particular Conditions of Contract (Part 3 of the Bidding Document)</p>
50	<p><i>Handling earth masses</i></p> <p>[...]</p> <p>c) earth masses acquired at the sites of invasive species shall be removed and given to entities holding relevant permits for their further management;</p> <p>[...]</p>	<p><i>Handling earth masses</i></p> <p>[...]</p> <p>c) earth masses acquired at the sites of invasive species shall be removed, placed in a sealed container and next given to entities holding relevant permits for their further management;</p> <p>[...]</p>
52.	<p><i>No storage of excess earth mass in inter-groyne areas</i></p> <p>No excess earth mass or other material derived from the reconstructed groynes may be stored within the river channel, inter-groyne areas or the terrace of Odra river. Inter-groyne areas must remain intact during the works as far as possible.</p>	<p><i>No storage of excess earth mass in inter-groyne areas</i></p> <p>No excess earth mass or other material derived from the reconstructed groynes may be stored within the river channel, inter-groyne areas or the terrace of Odra river. Inter-groyne areas must remain intact during the works as far as possible.</p> <p>This prohibition does not apply to the disposal of sediment at direct sites of the construction and reconstruction of the river flow control structures as required by item 21.</p>

Environmental Management Plan

Contract 1B.2/3 Modernization works on boundary sections of Odra River, Stage I to provide Good Condition for Ice-breaking – Part 3 - ANNEX No. 1

<p>53.</p>	<p>No relocation of earth mass in the river channel</p> <p>The Contractor is not allowed to conduct dredging works or relocate/move/push earth mass in the river channel.</p>	<p>No relocation of earth mass in the river channel</p> <p>The Contractor is not allowed to conduct dredging works or relocate/move/push earth mass in the river channel.</p> <p>This prohibition does not apply to the disposal of sediment at direct sites of the construction and reconstruction of the river flow control structures as required by item 21.</p>
<p>76.</p>	<p>Providing the sites posing the risk of contamination with materials and equipment for spillage elimination</p> <p>The Contractor shall provide vessels with materials and equipment used for spillage elimination, such as flexible barriers, sorption barriers or sorbents (mats, rolls, cushions, sleeves). Materials for neutralising spillage (in particular oil derivatives) should also be provided in the areas of works and storage of construction materials.</p>	<p>Providing the sites posing the risk of contamination with materials and equipment for spillage elimination, ways of organising the land-based elements of the construction site and the processes carried out on land</p> <p>The Contractor shall provide vessels with materials and equipment used for spillage elimination, such as flexible barriers, sorption barriers or sorbents (mats, rolls, cushions, sleeves).</p> <p>The on-land elements of the construction site should be secured as follows:</p> <p>a) construction sites and construction back-up facilities should be equipped with technical and chemical means for containment, removal or neutralisation of oil pollutants (including floating spill dams and sorbent materials). In the event of an oil spill, it must be removed or neutralised immediately,</p> <p>b) parking and maintenance areas, washing facilities for construction machinery and equipment and construction vehicles, storage areas for construction materials and waste storage areas should be located within the construction site back-up facilities/areas,</p> <p>c) refuelling, servicing and parking of machinery and equipment as well as construction vehicles must be carried out in the parking and maintenance areas,</p> <p>d) the refuelling and servicing of stationary construction machinery and equipment is permitted outside the parking and maintenance areas, provided that the soil at their placement is protected by technical materials allowing for the containment of possible oil spills,</p> <p>e) fuel, oils and lubricants used during the implementation phase of the project should be stored in the area of parking and maintenance areas,</p> <p>f) washing of construction machinery and equipment and construction vehicles should be carried out in specially prepared areas within the construction site back-up areas, i.e. the washing facilities,</p> <p>g) parking and maintenance areas and washing facilities should be located on a hardened and sealed surface. In addition, they should be equipped with facilities for the treatment of wastewater from suspended solids and oil-derived substances.</p>
<p>77.</p>	<p>Paving storage yards*</p> <p>The Contractor shall pave storage yards (temporary</p>	<p>Paving storage yards*</p> <p>The Contractor shall pave storage yards (temporary places</p>

Environmental Management Plan

Contract 1B.2/3 Modernization works on boundary sections of Odra River, Stage I to provide Good Condition for Ice-breaking – Part 3 - ANNEX No. 1

	<p>places of materials storage), for example with road slabs.</p> <p>* This also applies to any onshore back-up facilities if such are arranged by the Contractor.</p>	<p>of materials storage), for example with road slabs.</p> <p>Back-up construction areas for the storage of construction materials and substances and preparations used at the stage of project implementation, from the safety data sheets of which it results that they may pose a threat to water or soil, and for parking and maintenance areas and washing facilities [indicated in letters f and g in item 76] should be hardened and sealed using waterproof and frost-resistant concrete slabs with a strength class of at least C35/45 sealed with elastic joints resistant to atmospheric factors (temperature, UV rays, rain and air) and oil substances or using a geomembrane.</p> <p>* This also applies to any onshore back-up facilities if such are arranged by the Contractor.</p>
<p>84.</p>	<p><i>Restriction for tree and bush clearing</i></p> <p>Trees and bushes (only the selected specimens) shall be cleared outside the bird breeding season, with the stipulation that it may be conducted in the said protection period where it is impossible to adjust the clearing to the protection period due to technical reasons, but at least 3 days prior to any clearing to be conducted in the breeding season, the ornithologist from Contractor's environmental supervision team must check the site to confirm the absence of nests or hatches of birds.</p> <p>The said derogation does not apply to cavity trees (discovered at the following sites: white willow at km 655.05; poplars and willows at km 662.12–662.23, 662.33–662.45; European white elms and black poplar at km 662.56–662.77), which must be obligatorily cleared in the period of reduced activity and wintering of bats, i.e. from August 15th to April 30th, taking into account the nesting season of birds.</p>	<p><i>Restriction for tree and bush clearing</i></p> <p>Trees and bushes (only the selected specimens) shall be cleared outside the bird breeding season, i.e. from 1 September to the end of February.</p>
<p>85.</p>	<p><i>Protection of trees growing near the works</i></p> <p>Any trees which are not to be cleared but grow within the Task site and are exposed to damage caused by the operation and circulation of equipment must be protected by the Contractor through:</p> <ul style="list-style-type: none"> a) shielding any trunks of trees growing in the immediate vicinity of earthworks, e.g. by installing trunk shields made of wooden boards around the whole trunk at least to 1.5 m, b) where possible, conducting manually any earthworks carried out within the root system, c) covering any exposed tree roots with mats made of straw or bag fabric, or with turf, to protect them against excessive drying (in summer) or freezing (in winter), d) not storing any construction materials or excavated soil under tree limbs as it may prevent gas transfer between the air and the soil, which may cause the roots to decay and die out, e) preventive trimming of tree crowns in order to prevent their damage in the machinery and equipment garaging area. 	<p><i>Protection of trees growing near the works</i></p> <p>Any trees which are not to be cleared but grow within the Task site and are exposed to damage caused by the operation and circulation of equipment must be protected by the Contractor through:</p> <ul style="list-style-type: none"> a) shielding any trunks of trees growing in the immediate vicinity of earthworks, e.g. by installing trunk shields made of wooden boards around the whole trunk at least to 2,0 m, (alternatively with jute fabric or thick straw or reed mats), b) where possible, conducting manually any earthworks carried out within the root system, c) covering any exposed tree roots with mats made of straw or bag fabric, or with turf, to protect them against excessive drying (in summer) or freezing (in winter), d) not storing any construction materials or excavated soil under tree limbs, in order to prevent gas transfer between the air and the soil, which may cause the roots to decay and die out e) preventive trimming of tree crowns to prevent their damage in the machinery and equipment garaging area. f) On completion of the project, the tree protections must be dismantled to prevent damage to the trees. Any work carried out on trees and shrubs not to be removed shall be

		carried out in accordance with the guidelines of a dendrologist.
99.	<p>Reducing exhaust and noise emissions by machines and vehicles</p> <p>To reduce nuisance during the construction phase, i.e. the temporary increase of dust and noise emissions, it is required without limitation to:</p> <ul style="list-style-type: none"> • carry out the works only during the day (from 6:00 a.m. to 10:00 p.m.); • use machinery and equipment that meet environmental requirements and standards, including equipment that is adequately soundproofed, technically sound and shows low pollutant emission; • limit the operating time of engines at top speed; • use operational machinery and vehicles, with a proviso that the machines used for the Task should have modern drive units showing limited exhaust emission; • switch off unnecessary noise-emitting equipment, machines, and tools that are not in use at the time. 	<p>Reducing exhaust and noise emissions by machines and vehicles</p> <p>To reduce nuisance during the construction phase, i.e. the temporary increase of dust and noise emissions, it is required without limitation to:</p> <ul style="list-style-type: none"> • it is forbidden to carry out construction works at night (Monday-Saturday) and on public holidays, however, if the works are carried out at the vicinity of areas subject to noise protection on the Polish side, the night time should be understood as the time between 10 p.m. and 6 a.m., at the vicinity of areas subject to noise protection on the German side - between 8 p.m. and 7 a.m., and if the construction works are carried out at the vicinity of areas subject to noise protection on the Polish and German side at the same time - between 8 p.m. and 7 a.m.; • where there are areas subject to acoustic protection at a distance of 300 m or less from the construction works carried out with the use of noise emitting machinery, continuous measurements of noise emissions must be conducted. The measurement point shall be located at the boundary of the nearest property subject to acoustic protection in the given section of the construction works. If the permissible noise levels are exceeded during the construction works, the places of direct operation of noise-emitting machinery must be screened with temporary acoustic screens minimizing the spread of noise; • use machinery and equipment that meet environmental requirements and standards, including equipment that is adequately soundproofed, technically sound and shows low pollutant emission; • limit the operating time of engines at top speed; • use operational machinery and vehicles, with a proviso that the machines used for the Task should have modern drive units showing limited exhaust emission; • switch off unnecessary noise-emitting equipment, machines, and tools that are not in use at the time.
106.	<p>The Contractor shall contain the spread of invasive plant species (especially the <i>Echinocystis lobata</i> and <i>Xanthium albinum</i>) by fighting any invasive plants growing on the banks directly affected by the Task (groynes including adjacent inter-groyne areas), as per the following assumptions:</p> <p>a) prior to the works, the Contractor shall inspect the work sites together with a phytosociologist/botanist from Contractor's environmental supervision team in order to identify the sites and determine the population of invasive plants (the sites of the invasive species mentioned above change dynamically, and their local</p>	<p>The Contractor shall contain the spread of all invasive plant species (especially the <i>Echinocystis lobata</i> and <i>Xanthium albinum</i>) by fighting any invasive plants growing on the banks directly affected by the Task (groynes including adjacent inter-groyne areas), as per the following assumptions:</p> <p>a) prior to the works, the Contractor shall inspect the work sites together with a phytosociologist/botanist from Contractor's environmental supervision team in order to identify the sites and determine the population of invasive plants (the sites of the invasive species mentioned above change dynamically, and their local range and frequency of</p>

Environmental Management Plan

Contract 1B.2/3 Modernization works on boundary sections of Odra River, Stage I to provide Good Condition for Ice-breaking – Part 3 - ANNEX No. 1

	range and frequency of existence must be updated every year, as they change and largely depend, for example, on weather conditions), and then shall clearly sign those sites,	existence must be updated every year, as they change and largely depend, for example, on weather conditions), and then shall clearly sign those sites and record the location,
107.	b) Contractor's environmental supervision team shall not allow for the growth of annual invasive species which settle the disturbed habitats at the banks of Odra river, where the works will disturb the existing vegetative cover or expose or create a bare earth surface or rip-rap, through annual checks of all such locations, which should be conducted preferably in the first half of June (possibly from the third decade of May to the first decade of July),	b) a botanist from the Contractor's environmental supervision team is obliged to carry out on-going inspections for the presence of invasive alien species of the banks of the Odra River (from 1 May to 31 July) in the sections where the works are carried out, paying particular attention to places where, as a result of the works, the existing vegetation cover will be disturbed and bare ground or stone embankment will be exposed or created,
108.	c) it is required to remove, together with Contractor's environmental supervision team, any characteristic seeds and young plants of the following species: <i>Echinocystis lobata</i> , <i>Impatiens glandulifera</i> , rough cocklebur <i>Xanthium strumarium</i> , and <i>Xanthium albinum</i> . Any young plants that appear shall be removed mechanically (pulled out), and if they grow in bulk, they may be cut down or reaped, but this must be performed before the plant fruit-bearing season (until mid-July),	c) it is required to remove, together with Contractor's environmental supervision team, all plants of invasive alien species found. In the case of seedlings and young plants belonging to species: <i>Echinocystis lobata</i> , <i>Impatiens glandulifera</i> , rough cocklebur <i>Xanthium strumarium</i> , and <i>Xanthium albinum</i> removal must be carried out mechanically (pulled out), and if they grow in bulk, they may be cut down or reaped, but this must be performed before the plant fruit-bearing season (until mid-July). The entire work must be carried out under the direct supervision and guidance of a botanist of the Contractor's environmental supervision team, who is obliged to indicate the methodology for the removal of other invasive alien species that may appear during the work,
109.	d) in case of a very large population, the biomass of invasive species should be removed from riverside habitats with the participation of Contractor's environmental supervision team in order to allow the growth of native alluvial species. The preferred method is to pull out the invasive plants (most effective and precise). Any reaping must be carried out possibly low not to prevent the plants from regenerating, and only in locations where the reaping will not cause a threat to rare native species of plants,	d) The biomass of invasive species should be removed from riparian habitats to allow native alluvial species to thrive. Pulling out invasive plants is the preferred method (it is the most effective and precise). In the case of mowing, it should be carried out as low as possible in order to limit regrowth of the plants and only in areas where its implementation will not endanger rare native plant species. The botanist of the Contractor's environmental supervision team shall indicate and supervise the removal of invasive alien species,
110.	e) protect any earth and plant material acquired at the sites of invasive species, and then dispose it according to regulations in force.	e) soil and plant material collected in the area where invasive species are found should be placed immediately in sealed containers and then disposed of. In the case of the ash-leaf maple (<i>Acer negundo</i>) - once the tree has been felled, it must be removed immediately from the project site.

* the item in Appendix No. 1 and Appendix No. 2 of the EMP

Additional amendments are made to Appendix No. 2 only.

Item *	Description of the measure - previous entry	Description of the measure set by the Annex
152	Environmental monitoring during execution Contractor's environmental supervision team shall conduct environmental monitoring during construction (as specified in requirements IV.3.2.b and IV.3.2.c of the environmental permit included in Appendix 4a to the EMP) as part of the Monitoring Plan (based on requirement IV.3.8 of the environmental permit) agreed with the Regional Director for Environmental Protection	Environmental monitoring during execution Contractor's environmental supervision team shall conduct environmental monitoring during construction (as specified in requirements IV.3.2.b and IV.3.2.c of the environmental permit included in Appendix 4a to the EMP with amendments introduced by the GDOŚ decision included in Appendix 4aa – p. 14 of the appeal decision) as part of the Monitoring Plan (based on requirement IV.3.8 of the

Environmental Management Plan

Contract 1B.2/3 Modernization works on boundary sections of Odra River, Stage I to provide Good Condition for Ice-breaking – Part 3 - ANNEX No. 1

	in Szczecin.	environmental permit with amendments introduced by the GDOŚ decision included in Appendix 4aa – p. 14 of the appeal decision) agreed with the Regional Director for Environmental Protection in Szczecin.
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*item in Appendix No. 2 to the EMP