

<b>Project / Contract</b>	<b>ODRA -VISTULA FLOOD MANAGEMENT PROJECT</b> Contract 5.4: Design and construction supervision of the works. Project Management, Technical Assistance and Training and Technical Support to the Project and strengthening the institutional capacity of the PIU
<b>Employer</b>	<b>State Water Holding Polish Waters Regional Water Management Board in Szczecin (RZGW Szczecin)</b> ul. Tama Pomorzańska 13 A, 70-030 Szczecin
<b>Consultant</b>	Joint Venture, Sweco Consulting sp. z o.o. (Sweco) UL. FRANKLINA ROOSEVELTA 22 60-829 POZNAŃ

## MINUTES OF THE MEETING

<b>Subject</b>	<b>MEETING ON THE KLUCZ-USTOWO DITCH, THE ADMINISTRATIVE PROCEDURE, THE MITIGATION MEASURES, IN PARTICULAR CONCERNING THE WATER CALTROP (<i>TRAPA NATANS</i>)</b>	
<b>Date / Place</b>	28.01.2019 from 11.00 a.m. to 1.30 p.m. Sweco Office Szczecin	Rev. 01 POPDOW-ZPT.021.2.2019
<b>Participants</b>	Krystyna Araszekiewicz, Sweco Alicja Wilanowska, Sweco Dorota Kowalczyk, Sweco Michał Kielsznia, Sweco Krzysztof Ziarnek, Sweco Elwira Witek, State Water Holding Polish Waters Regional Water Management Board Szczecin Emilia Kaszycka, State Water Holding Polish Waters Regional Water Management Board Szczecin Iwona Krępiec, SOT/KRR [ <i>Stepnica Tourist Organisation / Save Rivers Coalition</i> ] Artur Furdyna, TPRIIG/KRR [ <i>Society of Friends of the Ina and Gowienica Rivers / [Stepnica Tourist Organisation / Save Rivers Coalition]</i> ] Ewa Leś, KRR [ <i>Save Rivers Coalition</i> ] Łukasz Ławicki, ZTP/KRR [ <i>West Pomeranian Natural Society / Save Rivers Coalition</i> ]	

Pos	Arrangements / course of the meeting
1.	<p><i>Note:</i></p> <p>Before the meeting, the representatives of the KRR were given access to a complete application for notification of activities related to the dredging of the Klucz - Ustowo ditch under the Article 118 of the Nature Conservation Act and fragments of the EMP, in which proposals of mitigation measures with respect to the protection of the water caltrop were described. At the request of the Consultant, the KRR also informed the Club of Naturalists about the meeting.</p> <p>At the beginning of the meeting, the KRR indicated that it is important that the provisions concerning the actions to be taken for the protection of the water caltrop, resulting from the study by Mr. Ziarnek, were included not only in the content of the EMP, but also in the decision of the Regional Directorate for Environmental Protection in Szczecin [<i>RDOŚ Szczecin</i>], so that the authority could control these actions, referring to the administrative decision. The consultant informed that it plans to file again the application for the notification of the planned works under the Article 118 of the Nature Conservation Act due to changes and rescheduling in the time schedule of works. The consultant informed that the draft EMP for the investment concerning the dredging of the Klucz - Ustowo ditch is practically ready. This document will be made public and all interested parties will have an opportunity to read its provisions and submit any comments, to which the Consultant will be obliged to refer. A meeting with the public is always planned within the framework of public consultations of the EMP.</p> <p>The Consultant stressed that all the comments made so far by the KRR on the provisions concerning the necessity to ensure protection of the water caltrop were included in the application submitted to the KRR</p>

prior to the meeting for notification under the Article 118 of the Nature Conservation Act.

At the same time, the Consultant pointed out that representatives of the Regional Directorate for Environmental Protection in Szczecin were also invited to the meeting, unfortunately the person in charge of the case is on holiday and the authority did not delegate another person to today's meeting.

The representative of the KRR indicated that the inventory and expert opinion carried out by Mr. Ziarnek concern the period before 2017, while the KRR in 2018 carried out the monitoring of the population of this species together with the verification of the entire Odra River between Kostrzyn and the Lake Dabie, documenting that this population was spreading. In November, updates to Regional Directorate for Environmental Protection and the Polish Waters were submitted, therefore this update should be included in the new application. The inventory carried out in 2018 shows that the first sites start at the mouth of the Klucz-Ustowo canal to Obnica, and not at the distance of about 400 m as it was in 2017. The population is spreading, so it can be stated with high probability that next year, when the inventory will be carried out there, the population may also be found in the Klucz-Ustowo ditch, where the works will be carried out and the water caltrop will be physically exposed to destruction. KRR raised the question whether the measures proposed in the accompanying paper, adequate for this moment, would be appropriate for the above mentioned situation, stressing that the presence and spreading of the water caltrop is unique on the scale of Poland.

Mr. Ziarnek pointed out that there are two important remarks concerning the status of this population. In the available sources, it is pointed out that the populations of this species in new sites tend to behave explosively, while in old sites, after some time the population starts to shrink and die down. Population expansion after appearance of a certain focus after a longer break is described by Piórecki as a constant feature of the water caltrop, so the water caltrop may appear in the cut. The water caltrop was previously found at Lisi Ostrow and Cegielice as well as at the Lake Dabie at Sadlińskie Łęgi, which shows its expansion. Mr. Ziarnek stated that while the expansion downstream is understandable and predictable, the retreat of these rosettes upstream in the direction of the Klucz-Ustowo is surprising. The KRR representative pointed out that the new two sites were also found in the south at the Wiskord canal, which had not been seen there before. The source may be either the population upstream to the south or the population on the German side. The KRR therefore requested that the provisions of the application should also include the possible appearance of the water caltrop in the cut. Prior to the commencement of works, it will be necessary to carry out a nature inventory preceding the commencement of the works, which is provided for in the notification, but it would be necessary to add entries concerning the appearance of the water caltrop in the area of works, which will be connected with a direct collision of the investment with the water caltrop, and such plants will have to be relocated. The water caltrop is easy to move because it does not need to be dug out or excavated, but only the rosettes, which grow and revive from the nuts every year, need to be moved.

While relocating, the date is essential; the more mature the rosette, the better, i.e. the later the date of relocation, the greater the chance of success. The representative of the KRR pointed out that it is important for these provisions to be precise, both for the contractor and for the environmental supervision, so that they do not leave any room for interpretation.

The client asked whether this part of the EMP and its provisions concerning water caltrop activities were sufficient and precise according to the KRR. The Consultant indicated that the project implementation would be subject to a kind of a double inspection, i.e. the contractor shall have the environmental supervision, compliance with the environmental decision and the EMP, and the second one is the Consultant's supervision of the environmental supervision and the Contractor. It was jointly agreed that the accuracy and the precision of the provisions is important. The Consultant also indicated that all the provisions are transferred to the EMP.

Mr. Ziarnek made a proposal of a provision in case the water caltrop appears in the cut, even a retrograde expansion, in order to estimate what part of the population would be in the work zone, bearing in mind that the works do not concern works on the banks of the canal and forming them, leaving the water caltrop without taking any action, somehow for the purpose of experiment. However, this would require an estimation of the water caltrop population across the entire Odra River and, moreover, due to tender requirements, it would be difficult to implement, because they have to protect the environment, the Client's interests and to be feasible.

At the request of the KRR representative, the procedure related to the notification under the Article 118 of the Nature Conservation Act was discussed, as well as the differences in relation to the procedure 118a of the aforementioned Act. The consultant also explained that all the provisions indicated in the application are binding, even if the authority issues no objection to the notified measures, i.e. the investor is obliged to carry out the investment as declared in the application form. The notification is also the basis and forms an annex to other decisions, e.g. the water law act permit.

The consultant asked for referring to the provisions of the notification under the Article 118. Mr. Krzysztof Ziarnek noted that all the water species, which first reacted to the global warming and are subject to the species protection show significant dynamics, e.g. fringed water lily, floating fern or water caltrop. If the population is too abundant, these species may pose a risk to e.g. the use of ports. Moreover, in order to specify the provisions and activities, Mr. Ziarnek proposed to specify the location of the relocation site in Obnica Południowa.

The subject of the Investor's and Contractor's liability was discussed. The Consultant pointed out that there is a double mechanism of supervision of the Contractor, i.e. the Contract Engineer and the Environmental Supervision and reporting on the implementation of the EMP to the World Bank. Moreover, the Consultant pointed out that the EMP is a bidding element and the Contractor has a possibility to estimate the costs of execution of the EMP provisions. The principles of the investment implementation in the context of the provisions of the EMP as well as the compatibility of mitigation measures and the method of their monitoring were also briefly discussed. Again, the issue of the legitimacy of the Klucz-Ustowo dredging in terms of its role in the flood protection was explained.

It was agreed that by 11 February 2019, the representatives of the KRR would submit comments, possible objections and suggestions to the provisions in the application concerning the notification under the Article 118 of the Nature Conservation Act.

**The Minutes were concluded with this.**

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State Water Holding Polish Waters Regional Water Management Board Szczecin						
Sweco						
KRR						

*The Minutes were prepared by: Dorota Kowalczyk*