

**REGIONAL DIRECTOR FOR
ENVIRONMENTAL PROTECTION
IN CRACOW**

OO.420.4.4.2019.BM

Cracow, July 27, 2020

**DECISION
ON ENVIRONMENTAL CONDITIONS**

Based upon Article 71 (2) item 2, Article 75 (1) item 1 letter i), Article 84 (1) and (2), and Article 85 (1), (2) item 2 of the Law of 3 October 2008 on access to information on the environment and its protection, public participation in environment protection and environmental impact assessments (OJ of 2020, item 283, as amended), as well as Article 17 of the Act of July 8, 2010 on special rules for preparation of flood protection investments for implementation (OJ of 2019, item 933, consolidated text) and based upon Article 104 and Article 108 of the Act of June 14, 1960 Code of Administrative Procedure (OJ of 2020, item 256, consolidated text), as well as Article 3 (1) item 67 of the Regulation of the Council of Ministers of September 10, 2019 on investments that may significantly affect the Environment (consolidated text, OJ of 2019, item 1839),

after considering

the application dated 11/13/2019, ref. no.: POPDOW/KR/60549311/18/1129, as provided by Mrs. Barbara Chammas, representative of AECOM Polska Sp. z o.o. Odra-Vistula Flood Management Project Office (1. Pokoju Alley, Building K1, 31-548 Cracow), acting in the name of the State Water Holding Polish Waters Regional Water Management Authority in Cracow (22. Marszałka J. Piłsudskiego Street, 31-109 Cracow), on the issuance of a decision on environmental conditions for the investment titled: ***“Construction of a pumping station for mobile pumps to drain the Lesisko complex”***,

I d e c i d e a s f o l l o w s :

- I. I state that there is no obligation to provide an environmental impact assessment for the aforementioned contract.**
- II. I determine the following significant conditions for using the environment on stages of designing, implementation, and use:**
 1. In order to minimize the acoustic nuisance generated during the performance the construction works in vicinity of acoustically protected sites and buildings, done using machines generating excessive noise, shall be done during the day, from 6.00 am to 10.00 pm.
 2. Unorganized emission of dusty pollution during performance of the earthworks and of the construction works shall be limited through: transportation of loose materials with adapted vehicles protected against dusting, storage of loose materials in places protected against wind (in manufacturer’s packaging, if possible) or covering them with e.g. tarpaulin, and – in case of high temperature occurrence – sprinkling the surface, which may cause dusting, with water.

3. Performance sites, places of fueling and maintenance of machines and equipment, as well as storage sites for fuels and hazardous waste shall be provided with technical and chemical measures to remove or neutralize hazardous substances, including diesel derivatives. In case of a failure, potential pollution shall be neutralized immediately.
4. Surfaces of zones, where vehicle fueling sites, places of hazardous material storage (e.g. fuel, grease, solvent, paint), hazardous waste storage sites would be located – shall be sealed (laid with e.g. insulating materials) to protect against potential leakage of those substances to the ground and water environment.
5. Site facilities, equipment and material sites, storage sites shall be located:
 - a) In areas transformed by human already, beyond environmentally valuable areas;
 - b) Beyond afforested sites, in a distance of minimum 2 m from the projection of crowns of trees, which shall not be removed.
6. The works associated with implementation of the contract shall be done under environmental supervision in order to control the natural environment's condition – performed by persons experienced in a range corresponding with the supervision, including e.g.: ornithological, chiropterologic, and herpetological supervision.
7. Works associated with logging of trees and with shrub stumping shall be done beyond the hatching period of birds, i.e. beyond the period from March 1 to August 31. If logging would be necessary within the hatching period, the works shall be done under strict ornithological supervision.
8. Provide replacement planting using native species and species corresponding with the present habitat in a relation of at least 1:0.5. The planting shall be completed up to 1 year from the completion of performance.
9. Trees located within the contract site, which are not intended for removal, shall be protected against mechanical or chemical damaging as follows:
 - a) Tree trunks shall be covered using e.g. wooden planks, jute textile, or thick straw or reed mats,
 - b) Excavations just at tree trunks shall be done manually. Trimmed roots shall be protected with fungicides. Uncovered roots shall be put deeper and protected against drying out or against freezing. Excavations at trees shall be immediately filled with soil,
 - c) It is forbidden to cut skeletal roots of trees, as it provides a risk of disturbing statics of a tree,
 - d) Storing chemical and construction materials, and soil from excavations, using open fire, placing maneuvering sites and parking lots for heavy equipment is forbidden within projection of the crown,
 - e) Protection of trees shall be dismantled after completing the works.
10. It is allowed to increase the area of the existing reservoir at the Lesisko Channel from km 0+935 to km 1+337, over a length of 402 m, average width of 50 m and depth of about 1.8 m, at keeping elevation of the reservoir's bottom on the level not smaller than 197 m a.s.l.
11. Works in the reservoir shall be done beyond the hibernation period for amphibians, i.e. from the beginning of October until the end of February.
12. During the construction works one shall avoid forming of water pits and other land pits, where water may stand still, to avoid provision of potential unsteady breeding habitats for amphibians.
13. Any species of small animals (especially protected ones – amphibians, reptiles, small mammals), in any development stage, in the area of works, shall be caught and moved to the closest area beyond the investment site providing habitats requirements for particular species.

III. The decision is immediately enforceable.

IV. Specificity of the assignment is determined in Appendix no. 1, which forms an integral part of this decision.

Justification

Mrs. Barbara Chammas, representative of AECOM Polska Sp. z o.o. Odra-Vistula Flood Management Project Office (1. Pokoju Alley, Building K1, 31-548 Cracow), acting in the name of the State Water Holding Polish Waters Regional Water Management Authority in Cracow (22. Marszałka J. Piłsudskiego Street, 31-109 Cracow), on 11/13/2019 (reception date: 11/13/2019) , ref. no.: POPDOW/KR/60549311/18/1129, applied to the Regional Director for Environmental Protection in Cracow for the issuance of a decision on environmental conditions for the contract titled ***“Construction of a pumping station for mobile pumps to drain the Lesisko complex”***.

The application has been updated due to formal issues with note dated 11/18/2019, ref. no.: POPDOW/KR/60549311/18/1137, and with note dated 01/20/2020, ref. no.: POPDOW/KR/60549311/20/0075, and with note dated 02/11/2020 (reception date: 02/12/2020), ref. no.: POPDOW/KR/60549311/20/0220. The investment data sheet has substantially been supplemented with note dated 03/25/2020 (reception date: 03/25/2020), ref. no.: POPDOW/KR/60549311/20/0678, and with note dated 04/28/2020 (reception date: 04/30/2020), ref. no.: POPDOW/KR/60549311/20/0992.

In the course of the proceeding, the documents required under Article 74 (1) of the Act of October 3, 2008 on the access to information on the environment and its protection, public participation in environment protection and environmental impact assessments were attached to the application. A fiscal charge for the issuance of the decision on environmental conditions and for the power of attorney provided was paid.

In conformity with provisions of Article 75 (1) item 1 letter i) of the Act of October 3, 2008 *on the access to information on the environment and its protection, public participation in environment protection and environmental impact assessments*, hereinafter referred to as the EIA Act, the Regional Director for Environmental Protection in Cracow is responsible for the issuance of a decision on environmental conditions for the contract in question.

In conformity with provisions of Article 80 (2) of the *EIA Act*, stating the contract location’s compliance with establishments under a local spatial development plan does not refer to flood defenses to be developed based upon the Act of July 8, 2010 on the special preparation rules for flood protection investment (OJ of 2019, item 933, consolidated text).

The investment assignment in question is qualified to contracts, which may potentially affect the environment significantly, for which it may be required to provide an environmental impact assessment according to **Article 3 (1) item 65** – *“flood defenses, except for redevelopment of flood embankments including sealing of the embankment body and its subbase, to limit the possibility of washing-out and failure during accommodation of flood water, as well as regulation of water or its channeling understood as water management allowing for its use for navigation purposes”* – of the regulation of the Council of Ministers of November 9, 2010 on the investments which may significantly affect the environment (consolidated text: OJ of 2019, item 1839).

The Regional Director for Environmental Protection informed the parties in the notification dated 02/19/2020, ref. no.: OO.420.4.4.2019.BM, about commencement of the proceeding and about the possibility of acknowledging the case documentation. The notification has efficiently been put on a noticeboard of the RDOŚ in Cracow and on a noticeboard of the City Office of Cracow. The notification informed that on the following proceeding stages, in accordance with Article 49 (1), the parties shall be notified through publication of notes (announcements, notifications) in the Public

Information Bulletin of the RDOŚ in Cracow. Furthermore, information on the commencement of proceeding has been published in the Public Information Bulletin, at websites of the Regional Directorate for Environmental Protection in Cracow, and in a publicly accessible data list at the website of the Center of Information on the Environment.

A list of the parties has been adopted according to the boundaries of the implementation area and of the contract impact range. Owners of plots / units located within the investment's impact range, i.e. in a distance of 100 m from the boundaries of the planned contract, have also been considered as the parties. Based upon provided maps and extracts from the land register it was established that the number of parties exceeds 10. Therefore, in accordance with Article 74 (3) of the Law of October 3, 2008 on the access to information on the environment and its protection, public participation in environment protection and environmental impact assessments, Article 49 of the Administrative Procedure Code was applied for the proceeding, stating notifications of the parties through public announcements.

In the note dated 05/20/2020, ref. no.: OO.420.4.4.2019.BM, the Regional Director for Environmental Protection in Cracow applied for an opinion on an obligation to provide environmental impact assessment for the contract in question and to establish a potential range of a report to the State District Sanitary Inspector in Cracow and to the Minister of Maritime Management and In-land Navigation. The proceeding parties have been informed about that action in a notification dated 05/20/2020, ref. no.: OO.420.4.4.2019.BM, which has been placed on a noticeboard of the RDOŚ in Cracow and in the Public Information Bulletin, at websites of the Regional Directorate for Environmental Protection in Cracow.

The State District Sanitary Inspector in Cracow issued an opinion on 06/01/2020 (reception date: 06/04/2020), ref. no.: NZ-PG-420-111/20 ZL/2020/05/592, in which it stated that the contract in question does not require provision of an environmental impact assessment.

The Minister of Maritime Management and In-land Navigation issued an opinion in the note dated 06/04/2020 (reception date: 06/04/2020), ref. no.: DOK.DOK2.9750.1.27.2020.PK PW:126908, in which it stated that the contract in question does not require provision of an environmental impact assessment.

Due to Article 63 (1) of the Act on the access to information on the environment and its protection, public participation in environment protection and environmental impact assessments, at consideration of the performance specificity and the use of the contract in question, the following conditions have been taken into account:

1. Type and specificity of the contract, including the following:

a) Scale of the contract and size of the acquired site and their mutual proportions, as well as significant solutions specifying the contract

Implementation of the assignment is planned under Contract 3A.6 Construction of a pumping station for mobile pumps to drain the Lesisko complex, which forms a part of Subcomponent 3A - Protection of Upper Vistula Towns and Cracow implemented within the framework of Odra-Vistula Flood Management Project (OVFMP).

The planned assignment is located in Cracow, at the embankment lock for the Lesisko Channel. The area necessary for implementation of the investment is about 4.3 ha. The area of flooding resulting from the assumed operations of mobile pumps shall amount to about 2.5 ha.

The application in question replaces original assumptions for draining of the Lesisko complex, i.e. an investment comprising *Construction of a dry flood storage reservoir, along with development of the pumping station to drain the Lesisko Complex and with accompanying facilities*, for which a decision

on environmental conditions was issued. Due to unfavorable results of economic analyses for that investment, it was proposed to significantly limit the solutions – development of a station for mobile pumps instead of a stationary pumping station.

As a consequence, the scope of the investment in question comprises e.g.:

- Development of a pumping station for mobile pumps at chainage km 0+183 – 0+238 of the Lesisko Channel;
- Demolition of the existing embankment lock made of reinforced-concrete tubes and replacing it with a new lock made of plastic tubes at chainage km 0+142 – 0+187 of the Lesisko Channel;
- Protection of the inlet (up to km 0+181) and of the outlet (from km 0+120) at the embankment lock with concrete elements;
- Development of slope stairs for the lock and for the pumping station;
- Redevelopment of an urban water-supply pipe, teletechnical ground line, asphalt access road with a descent road to the pumping station, and paving of the yard for the pumping station at km 0+176 – 0+184 with concrete slabs, cobblestones, and breakstone;
- Redevelopment of a section of the Lesisko Channel at km 0+238 – 0+781 through partial desilting of the bottom, profiling, and reinforcing the slopes with fascine bundles and fencing and with palisade;
- Increasing the area of the existing water reservoir at the Lesisko Channel at km 0+935 – 1+337, over a length of 402 m, mean width of 50 m, and depth of about 1.8 m;
- Development of a temporary construction cofferdam for the purpose of drilling, and of an abutment for the lock's outlet on the riverside, in order to protect the areas beyond the embankment against flooding by floods at Vistula River.

The aforementioned assignment forms an integral part of the entire flood protection system, which bases upon e.g. flood defenses formed by the existing embankment, which shall be redeveloped due to the development of a lock and of a pumping station. Elements comprised by the assignment in question are also technologically and functionally connected with the existing flood defenses and with the existing flood embankments, and they shall remain flood protection.

The planned investment includes application of natural flood storage in the Lesisko Channel and in the existing water reservoir at chainage km 0+935. Available volume (for the purpose of flood storage for the time of pumps' operations) of the ditch, along with the water reservoir existing at km 0+935 and planned site storage reservoir at the pumping station – shall amount to about 31 K m³.

The planned earthworks at the Lesisko Channel shall mainly include profiling of bank slopes, which shall be stabilized by development of fascine fencing and placement of fascine bundles at the slope basis over the entire section from km 0+238 to km 0+781.

The works at the bottom shall include levelling of the bottom in accordance with the adopted profile, what would comprise sectional removal of silt, without interrupting the original solid bottom and without covering the existing pits.

However, the planned works associated with increasing the reservoir's area shall be limited to profiling of new banks and to extension of the reservoir's riverside zone, without interrupting the reservoir's bottom. The slopes shall be covered with a 10 cm thick layer of soil providing growth abilities, and sown with a mix of grass. The extension area for the reservoir on the right bank shall amount to about 0.75 ha, and on the left bank to about 0.18 ha, and the reservoir's bottom shall be left on an unchanged level.

The planned works are to be done from the existing land level, by moving the works site backwards, so the vehicles would not operate at the new land level, which may be located under water.

In section of the planned pumping station with a site storage reservoir, it is planned to provide heavier protection due to strong water flow disturbance caused by e.g. expected operations of pumps. The bottom and slopes of the Lesisko Channel in that section shall be protected with grate-type slabs, and reinforced-concrete buttress is planned in the end of the protection. The channel's inlet at Podbipięty Street and a part of the bottom at the site storage reservoir, where suction baskets of pumps shall be placed, will be coated with concrete troughs and slabs. The remaining part of the bottom and of slopes at that reservoir shall be protected by sowing with a mix of grass.

Application of 6 mobile pumping sets with integrated system preventing leakage of fuel and diesel was planned as equipment for the planned pumping station.

Remaining parameters of the planned contract have been presented in the specificity of the planned contract, which forms Appendix no. 1 to this decision on environmental conditions.

b) Connection with other contracts, especially accumulation of impacts of contract in progress and of completed contracts, for which a decision on environmental conditions has been issued, located in the area, where it is planned to implement the contract and in the contract impact range or where impacts are contained within the impact range of the planned contract in the scope, in which their impacts may lead to accumulation of impacts with the planned contract

Soon, in case of the direct flood protection for the City of Cracow the following investment tasks are planned under the OVFMP ("Odra-Vistula Flood Management Project"):

- Modernization of Vistula embankments in Cracow: Section 1 - the left embankment of the River Vistula from the Wandy Bridge to the Przewóz Barrage, together with backwater embankments of the River Dłubnia, Section 2 - the left embankment of the River Vistula from Przewóz Barrage to Suchy Jar,
- Modernization of Vistula embankments in Cracow: Section 3 - the right embankment of the River Vistula from the Dąbie Barrage to the Przewóz Barrage;
- Section 4 – The right embankment of the Vistula River from the estuary of Skawinka to the Kościuszko barrage;
- Redevelopment of the right embankment between the Dąbie Barrage and the Płaszów Port, construction of the flood gate with necessary facilities borders upon and shall be connected with the extension of the left embankment of Vistula from the Wandy Bridge to the Przewóz Barrage, together with backwater embankments at the Dłubnia River (Section 1);
- Development of a flood gate for the Kujawy Port with necessary facilities borders upon and shall be connected with the extension of the left embankment of Vistula from the Wandy Bridge to the Przewóz Barrage, together with backwater embankments at the Dłubnia River (Section 1).

The planned aforementioned works shall be performed in huge distances from the investment in question, and they shall not cause accumulation of impact with the subject investment.

The designed investment shall not cause excessive impact on the environment.

c) Biological diversity, use of natural resources, including soil, water, and land surface

Adverse impact on biotic elements of the natural environment mainly relates to acquisition of new sites for development and for damaging biotopes, fragmentation of habitats, and termination of contacts between species and populations. The area of planned works shall not result in modification of ecosystems and the existing biosphere.

For the purpose of the planned contract it is expected to apply standard values for the use of water, materials, fuel, and power. Implementation of the investment shall be related to the need for small volume of water, which would be applied for social reasons and for concrete works. The estimated

need for utilities and for some raw materials during the performance is as follows: water for social reasons – about 2 m³ /d and for concrete works – about 1 m³ /d, estimated volume of concrete – about 0.5 K m³, estimated volume of soil: slope – about 10.5 K m³, and excavation – about 13.5 K m³. The estimated need for electric power on the construction site is about over a dozen kW. Fuel shall be applied in the volume necessary for operations of heavy construction equipment. That use shall be limited by optimizing the operational time for construction machines.

Wet concrete mix shall be delivered to the construction site from the closest concrete plant and shall be directly embedded at objects. Remaining construction materials and technological equipment shall be delivered to the construction site using the existing public roads. Excavations for the designed objects shall be done with hydraulic excavators, while storing the ground from the excavation at storage site for the purpose of application for filling the excavations in, and the excess of soil shall be loaded onto the trucks directly and removed from the investment site. In case of the soil excavated from below the water-table, it shall be temporarily stock-piled for the purpose of draining the water prior to further embedding or removal.

For the purpose of backfilling or development of slopes one shall apply local soil, obtained from the excavations. For provision of ballast one shall apply purchased aggregate. Land shaping shall be done with a drop towards the water-course in order to allow for discharge of rainfall water and water left after accommodation of a flood wave. Unused portion of materials shall be removed and stored at the waste storage site or in locations indicated by the Investor or by the City Office of Cracow.

The use of objects in question shall require application of water and other raw materials, materials, and fuel.

d) Emission and occurrence of other nuisance

Emission of pollution to the air and emission of noise shall not occur during the use. Functioning of the analyzed contract is not related to the regular emission of pollutions and emission of noise.

Minor nuisance caused by the contract may only occur at the performance stage due to the construction works done with application of heavy equipment, vehicles, and machines with diesel engines. Those nuisances shall be temporary and concealing, and shall be limited to the construction site, its closest vicinity, and roads applied for deliveries associated with the engineering process.

During the performance there may be minor exceedance of acceptable noise emission values and emission of pollutions to the air, the source of which would be operation of construction equipment and traffic of vehicles. For the purpose of minimizing adverse impact on the environment, the works in developed areas shall be done during the day only.

In case of the works associated with the construction of the site storage reservoir, where a distance between the planned investment and the residential single-family housing is relatively small (from about 8 m to about 20 m), it is expected to implement a minor scope, which shall be done in a short time.

In order to limit the emission of pollutions to the air on the performance stage, it is recommended to limit operation of diesel engines of machines and vehicles at idle to the minimum.

Roads applied for deliveries related to the engineering process, shall be sprinkled with water on dry and windy days, and – if necessary – cleaned off of mud. Loose materials applied for construction, waste generated during the works, and spoil associated with the excavations shall be protected with impermeable materials (e.g. foil) at places of their storage. Deliveries of loose materials shall be done in packaging or by vehicles adapted to that purpose, provided with tarpaulin.

The works shall be done in a way preventing generation of waste or limiting its volume. The waste generated due to implementation of the contract shall be collected selectively in designated places, and subsequently handed over to companies having relevant certification.

e) Assessment basing upon scientific knowledge on the risk of occurrence of serious failures of natural disasters and construction disasters, at inclusion of used substances and applied technologies, including a risk associated with climate change

A risk of serious failure is not anticipated in case of the planned contract, as neither technologies nor substances posing risk to the environment shall be applied, in accordance with particular regulations. Provided that the construction works would be performed in accordance with technical know-how, valid regulations, standards and H&S provisions, the occurrence of construction disaster and natural disaster in case of the discussed contract is unlikely.

Regardless of the local character of the planned contract, all types of impact – direct and indirect – will have no meaning for the global impact on the climate.

Development of a pumping station for mobile pumps to drain the Lesisko Complex remains the second stage of a wider investment, which is “Redevelopment of flood embankments at the River Vistula in Cracow, along with drainage of the area beyond the embankment in a reach from the Dąbie Barrage to the Przewóz Barrage”. The investment is to protect areas against repeated flooding due to closing the lock by the Vistula’s backwater, effects of which are additionally strengthened by the high level of ground water in that area. The investment remains a recommended adaptation measure; thus, it has a positive impact on adaptation of Małopolska to climate changes.

The planned development of the pumping station for mobile pumps for the purpose of draining the Lesisko Complex would not contribute to the risk associated with the climate change.

f) Expected volume and type of produced waste and its impact on the environment, in case it is planned to produce it

Implementation of the contract shall result in production of waste due to: earthworks associated with the designed contract, use of construction equipment, application of construction materials, and operations at the utility facilities for the staff.

Quantity of waste to be produced cannot be determined unequivocally and in detail on the present stage of proceeding. It is expected that the following types of waste shall be produced in the construction phase: mixed packaging waste (code 17 01 06) in the forecasted amount of about 0.1 Mg/year; mixed concrete waste, waste ceramic materials and elements of equipment other than listed under 17 01 06 (code 17 01 07) in the forecasted amount of about 50 Mg/year; absorbent, filtration materials, textile for cleaning (e.g. rag, cloths) and protective clothes, other than listed under 15 02 02 (code 15 02 03) in the forecasted amount of about 0.01 Mg/year; wood (code 17 02 01) in the forecasted amount of about 2.0 Mg/year; cables – other than listed under 17 04 10 (code 17 04 11) in the forecasted amount of about 0.2 Mg/year; insulating materials – other than listed under from 17 06 01 to 17 06 03 (mineral wool, styrofoam) (code 17 06 04) in the forecasted amount of about 0.1 Mg/year; plastics (code 17 02 03) in the forecasted amount of about 0.5 Mg/year; iron and steel (code 17 04 05) in the forecasted amount of about 2 Mg/year.

Due to implementation of the investment it is not anticipated to provide soil as waste, due to their management on the investment site. Potential excess of soil dug out from the excavations shall be removed from the investment site and treated in accordance with provisions of the act on waste.

All waste produced during the works shall be segregated and stored selectively in designated places protected against polluting the ground and water environment, and taken over by certified enterprises for recovery or treatment.

All waste produced within the contract area shall be taken over by specialized companies.

The designed objects are practically service-free objects; thus, during their use waste associated with their maintenance shall be produced. During the use of objects hazardous waste shall not be produced – only waste other than hazardous one shall be generated. All waste produced within the contract area shall be taken over by specialized companies.

Rational waste management – implemented in accordance with valid regulations – during the implementation and during the use shall not affect the environment adversely.

g) Threat to the life of people, including the one resulting from emission

It is not expected to identify hazards to the life of people during the implementation and the functioning of the contract.

2. Location of the contract, including the potential hazard to the environment, especially at the existing and planned land use, ability of self-purification by the environment and restoration of natural resources, natural and landscape values, and conditions under local spatial development plans.

Development of the pumping station for mobile pumps to drain the Lesisko Complex is entirely located within the City of Cracow, at the embankment lock for the Lesisko Channel, in the area of Longinusa Podbipięty Street.

The areas acquired for the planned investment are mostly formed by wasteland overgrown with reed, grass, shrubs, and trees (mainly at the existing reservoir and along the channel). Road facilities are located within the splitting lines, in the southern part of the investment site. Single-family houses are located in vicinity of the investment, along the ditch.

The contract shall not contribute to modification of the management method and the way of use in case of sites located in the direct vicinity, and it shall not significantly affect the change of landscape and natural values for the discussed area.

The contract in question shall be implemented based upon the Act of July 8, 2010 on the special preparation rules for flood protection investment, so – considering provisions of the Act on the access to information on the environment and its protection, public participation in environment protection and environmental impact assessments (Article 80 (2)) – compliance of the contract location with a local spatial development plan does not need to be stated for flood defenses.

Furthermore, at analyzing the contract location in terms of hazard to the environment the following were considered:

a) Occurrence of water-mud sites, other areas with shallowly located groundwater, including riparian habitats and river tributaries

The contract site is located beyond water-mud areas, but in a close neighborhood of the Vistula river-bed. Vistula has a draining character, and the first water-bearing lever (Quaternary level) – remaining the main useable water-bearing level – has a direct hydraulic contact with waters of Vistula.

According to the Hydrogeological Map of Poland in a scale of 1 : 50000 – First water-bearing level: occurrence and hydrodynamics, sheet 974 – Niepołomice (2006), the investment site is located in an area, for which depth of the water-table for the first water-bearing level is within 2-5 m b.g.l. Elevation of the water-table for unconstrained water within the investment site is about 194.5 – 197.0 m a.s.l..

b) Occurrence of shore areas and maritime environment

The contract is located beyond shore areas.

c) Possible occurrence of mountainous or forest areas

The contract site is not located within mountainous or afforested areas. The contract site does neither form a part of any huge forest complex nor cover separated land administered by the State Forests (data: Forest Data Bank).

d) Areas under protection, including protective zones of water-intakes and protected areas of in-land water reservoirs

The Contract is located beyond the protection areas established based upon the Act of July 20, 2017 Water Law (consolidated text: OJ 2020, item 310, as amended), i.e. beyond protective zones for water-intakes and protected areas of in-land water reservoirs.

e) areas requiring special protection due to the occurrence of species of plants, fungi, and animals or their habitats or environmental habitats under protection, including Natura 2000 sites and other forms of environmental protection

The closest Natura 2000 site, i.e. Łąki Nowohuckie PLH120069, is located in a distance of about 400 m from the contract site. That area is located in the Vistula Valley (former flood terrace). On the south it borders the Vistula oxbow-lake, on the north – center of Nowa Huta, a district of Cracow. Łąki Nowohuckie remain the last well-kept part of Vistula meadows at Nowa Huta. There are over 11 diversified plant habitats within a small area. The following are protected within the aforementioned Natura 2000 site: extensively managed hay meadows of the planar to submontane zones (*Arrhenatherion elatioris*), and four species of butterflies: scarce large blue (*Phengaris teleius*), dusky large blue (*Phengaris nausithous*), large copper (*Lycaena dispar*), and violet copper (*Lycaena helle*).

In case of violet copper it is likely to be the biggest tight population in Europe. It results from small fragmentation of that butterfly's habitats (meadows with common bistort) within that area. The area plays an important function in assuring continuity of habitats for listed butterflies in a scale of Southern Poland. There are valuable habitats of plants and birds associated with non-forest habitats.

According to the regulation of the Regional Director for Environmental Protection in Cracow dated July 19, 2017 (OJ of Małopolskie Province of 2017, item 4869) on the enactment of a plan of protective measures for Natura 2000 site Łąki Nowohuckie PLH120069, potential hazards for all of the protected items is hazard no. J02.01 *Modification of water relations caused by human – filling the site, amelioration, and drying* – The hazard is associated with areas surrounding Łąki (...). Such actions on neighboring sites as modification of depth for ditches and implementation of earthworks investment that may cross water-bearing layers may disturb water relations for Łąki; as well as hazard no. J03.01 *Other changes to ecosystem – reduction or loss of particular features by the habitat* – The hazard may occur due to excessive drying-out of the site, occurrence of alien invasive plants, or reed invasion.

The most important element of the investment – in the view of potential impact on regular (natural) conditions of water circulation, i.e. beyond the period of floods in Vistula – shall be the redevelopment of a section of the Lesisko Channel and of the existing water reservoir in a reach from km 0+935 to km 1+337 of the Lesisko Channel, which is hydrologically joined with Natura 2000 site Łąki Nowohuckie.

In accordance with information given in the IDS and in the update, elevation of the reservoir's bottom currently amounts to 197 m a.s.l., whereas elevation of the bottom at Natura 2000 site – in the lowest location – is 198 m a.s.l.; thus, all works to decrease the elevation of the reservoir's bottom may affect the level of ground water at Łąki Nowohuckie. It is therefore allowed to increase the area of the existing reservoir at the Lesisko Channel from km 0+935 to km 1+337 over a length of 402 m, mean width of 50 m, and depth of about 1.8 m, while keeping the reservoir's bottom elevation at the level of at least 197 m a.s.l.

While discharging water from Vistula the channel and the reservoir cause drainage of water from the first water-bearing level in adjacent areas. It shall be assumed that they also partially shape the flow of underground water in the area of Łąki Nowohuckie – Natura 2000 site PLH120069 (south-eastern part of the area is located in a distance of about 400 m north from the existing water reservoir at the Lesisko Channel). The occurrence depth for the water-table of the first water-bearing level in the area of Łąki Nowohuckie is 0.5 – 1.0 m b.g.l., on average.

In accordance with information given in the IDS and in the update, the investment does neither comprise dredging of the existing water reservoir nor of the channel, but only sectional desilting of the bottom at the Lesisko Channel, and only extension of the bowl of that reservoir (shaping new slopes in a distance of up to about 35 m south and about 16 m north from the currently existing slopes), as well as minor extension of the channel on the average water level up to the width of 2.2 m, including profiling of the slopes in a reach of about 540 m (km 0+238 – 0+781) in order to facilitate unconstrained flow of water and limitation of water-pits' occurrence.

Those works are limited to the extension of the reservoir through profiling of new banks and extending the riverside zone of the reservoir, without interfering in the water-course's bottom, including profiling of slopes with inclination of 1:2, and covering them with a 10 cm thick layer of soil providing growth abilities, and sowing with a mix of grass.

Upstream of the existing reservoir the Lesisko Channel is not a subject of the investment. Mouth of the channel to the River Vistula shall remain on an unchanged level, which means that so-called drainage basis shall not be modified, and its location may affect the size of drainage. Extension of the existing reservoir's bowl shall result in increasing its capacity, but it shall not affect regular flows (and levels) in the Lesisko Channel. The investment shall not directly interfere in natural factors shaping the flow of water in the channel, and therefore affecting the location of ground water-table at the surface in natural conditions. Those factors are: feeding volume from the first water-bearing level (feeding takes places directly through infiltration of rainfall water from land surface), level of water in Vistula, and so-called filtration rate for the water-bearing layer, which depends on lithology.

The investment shall not affect any of those factors. In the area of the existing reservoir or on site between the reservoir and Natura 2000 site no solutions, which may affect infiltration conditions for rainfall water, i.e. restrict or increase it, would be applied (such as e.g.: development or paving of the

site, interference in soil cover, or modification of vegetation cover). There shall also be no intervention in the existing solutions affecting the water level, i.e. existing drainage ditches, dikes, or culverts. Local interference in the underground water-table – resulting from extension of the reservoir's bowl – shall result in temporary modification of its location only in a direct neighborhood of the reservoir, in a reach of few meters, just after the extension, and fluctuations shall not be greater than those caused by natural fluctuation of feeding conditions in a hydrological cycle (periods with high or low intensity of rainfall). After stabilizing the water level in the reservoir, the ground water-table shall restore its original level. Location of the water-table for the first water-bearing level at Łąki Nowohuckie shall not be changed due to implementation and use of the investment. Potential fluctuations of the water-table shall depend on natural factors only.

At analyzing environment data given in the IDS [Investment Data Sheet] and updated environmental data, including hazards for the Natura 2000 site, in reference to implementation of the contract comprising e.g.: increasing the area of the existing reservoir for the Lesisko Channel, redevelopment of a section of the Lesisko Channel, and development of a pumping station for mobile pumps with a site-specific flood storage reservoir, it was stated that the contract shall not significantly affect the subject of protection at Natura 2000 site Łąki Nowohuckie PLH120069 adversely, and it would not significantly affect the species and the habitats, for protection of which the aforementioned Natura 2000 site was established, as well as the integrity of that area.

The use of the investment after commissioning for use – in the scope related to the development (replacement) of the embankment lock and construction of a station for mobile pumps – shall only refer to periods of bankful discharge in Vistula over the level causing backwater in the Lesisko Channel. Then to lock would be closed to stop the backwater, and water raising in the channel would be pumped out to the embanked area.

In regular conditions, i.e. beyond periods of bankful discharge and identified flood hazard, both: the closed lock, as well as the mobile pumps would not be applied; thus, they shall not cause any changes to water relations and would not have any impact on dynamics of ground water.

Works associated with redevelopment of facilities – water-supply pipe, teletechnical line, and access road – and occurrence of additional elements associated with the development of the lock and of the pumping station, i.e. concrete revetments for the lock and slope stairs, shall not affect water circulation conditions. Development and functioning of those elements shall not interfere in the water-bearing layer beyond the water-table at the surface (first water-bearing level), depth of which in that area amounts to at least 2 m b.g.l. – about 2.5 – 3.0 m b.g.l. underneath the surface of designed yard for pumps, about 3.5 m b.g.l. underneath the surface of asphalt road's section to be redeveloped, and about 1.0 – 1.5 m below the level of funding for section of the water-supply pipe to be redeveloped. A construction cofferdam at the embanked area shall be temporarily applied – for the time of drilling and developing an abutment for the lock's outlet. Its application shall not affect the dynamics of ground water beyond the embanked area.

Site survey was done in the discussed area in vegetation/hatching/breeding season of 2019, and its subject was plant cover, animals, and fungi on the surveyed site. Inventory results were presented in detail in a study titled: *“Environmental Inventory on the Investment Site for the Pumping Station for Mobile Pumps to Drain the Lesisko Complex”*, which forms appendix to the IDS. The survey area

covered the investment site with a buffer of 50 m. Furthermore, the inventory included rare species identified in a wider buffer (up to 200 m).

The area of the planned investment is mostly formed by wasteland overgrown with reed, grass, shrubs, and trees (mainly at the existing reservoir and along the channel). Road facilities are located in the southern part of the investment site. Single-family houses are located in vicinity of the investment, along the ditch.

Vegetation on the investment site is averagely diversified. The most of the area just along the water-course is grown by high plants – the Lesisko Channel is overgrown with trees and shrubs on both sides, and grass plants are locally present. Vegetation is represented by ordered greenery of home gardens at single-family houses. In vicinity of the existing reservoir and at a survey buffer the most of the land is overgrown by reed, but Natura 2000 habitats were also identified there – habitat 91E0 – 1 * Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (Alno-Pandion, Alnion incanae, Salicion albae). Species identified in patches of habitat 91E0-1* are e.g.: white willow, crack willow, common dogwood, common hawthorn, black elder, and such herbaceous plants as: ground elder, field thistle, ground-ivy, common nettle, and bedstraw. Patches of habitat 91E0-1* were identified along the reservoir. 6 small patches of that habitat were identified in total in area of 11,499 m², dispersed, but with spatial reference.

Such common plant groups as the following were identified:

- ruderal groups (composed by e.g. such species as: mullein, common evening-primrose, yellow sweet-clover, common chicory),
- reed beds,
- truncated forms of meadows with dominating tall goldenrod and Canadian goldenrod,
- groups of trees of various species along the Lesisko Channel (common walnut, common hazel, blackthorn, silver birch, common ash).

Due to implementation of the investment trees and shrubs present within the investment site shall be logged. Among the species to be logged there are the following, e.g.: white willow, goat willow, crack willow, common alder, common ash, elder, common walnut, and fruit trees. On the current stage of designing it is estimated that about 180 trees and 3200 m³ of shrubs shall be logged. The planned logging of trees and shrubs shall be done beyond the hatching period for birds (i.e. beyond the period of from March 1 to August 31).

It shall be noted that trees are an important element for implementation of adaptation measures for climate changes and for mitigation of their impact, at least due to the fact that they prevent flooding through retention of water in roots, and slowly release water to the environment during hot weather. As a consequence, it is obligatory to apply compensation planting in the range of 1:0.5 to keep environmental values, biological diversity, and maintain biologically-active areas which are important during e.g. storms or droughts.

Size of trees to be logged, their species and health, as well as the fact if they remain habitats for particular protected species (birds, beetles, etc.) shall also be considered, so the planned compensation would be relevant for planned damage to habitats. The older the trees are, the higher the number of ecological niches may be found there, and – in turn – the number of organisms living there is also getting higher.

Trees so old that hollows may be formed in them have particularly high environmental value. Numerous species of birds, bats, and – mainly – insects and other arthropods using hollows as breeding sites and shelter are strictly hollow-dependent. Many species depend on hollows so much that they do not occur in any other place. On the other hand, hollows are formed and extended due to actions of various life forms – fungi and insects and microorganisms mainly.

This is why compensation planting shall be done in a range of at least 1:0.5, and it refers to all of the trees and shrubs under inventory. Therefore, 1 tree shall be planted for every 2 logged trees, and after removing e.g. 100 m² of shrubs, 50 m² of shrubs shall be planted.

Due to high environmental and landscape value of the analyzed site, those plantings shall be done within the investment site, eventually in a possibly small distance from it.

A risk of damaging roots and bark of trees and shrubs growing in direct vicinity of the planned works is associated with implementation of the assignment in question. Special care shall be taken for trees not to be logged, which grow in a direct neighborhood of the work zone; the works shall be performed in such a way to avoid their damaging, especially bark scars and damaging the roots. In that case special protection for particular trees shall be applied.

Inventory done in 2019 proves that protected species of plants and fungi were not identified in the area of survey. Occurrence of protected species of invertebrates was identified on site to be acquired for the purpose of investment. However, entomofauna of the surveyed site is poor. Occurrence of buff-tailed bumblebee *Bombus terrestris* and Roman snail *Helix pomatia* was identified within the buffer.

Occurrence of some species of frogs, toads, and other amphibians was confirmed for the surveyed area. Marking was done based upon vocalization and direct observations. Based on analyzes of available habitats it was stated that within the buffer (i.e. a zone of 50 m from the investment) it is possible that single other species of amphibians may occur, i.e. European green toad, common toad, edible frog, pool frog, common frog, smooth newt, sand lizard, grass snake, and lizard sp. Furthermore, occurrence of sand lizards, grass snakes and undetermined species of lizard was identified within the investment site and the buffer.

Listenings done have moreover proved numerous flights of common noctule, and single flights of common pipistrelle and soprano pipistrelle. Common noctule is the mostly observed bat species. Two daily shelters are located within the area of the planned investment. Breeding is likely to take place in one of them. Furthermore, feeding and flights were noted.

Traces of beavers were identified within the area of the planned investment. Adult specimens were observed in vicinity of Vistula and at the reservoir, in the northern part of the planned investment. Numerous fresh bites were identified. Active and damaged badger lairs were observed at the same reservoir. As a consequence, it was assumed that at least one family of badgers and one family of beavers are present within the analyzed section. Furthermore, protected species of moles and hedgehogs occur within the investment site and its buffer.

During observations numerous fair mammals were noted. Based upon a habitat analysis it may be presumed that American mink may occur in the area of the Kujawy Port. Traces of fox, beech marten, and some capreolus were also identified.

There currently is no data for ichthyofauna in case of the channel to be modernized. The closest complexly surveyed water-courses with a flow similar to the analyzed ditch are located upstream of Lesisko. Those are: "Rów Główny", "Rów Pstrągowy", and "Tarlisko". They have been described in an article titled: "*Ichthyofauna cieków prowadzących wodę na terenie Rybackiej Stacji Doświadczalnej UR w Krakowie*". The study states that 31 fish species occur in the Vistula river-basin in vicinity of

Cracow. There is also no valid data for ichthyofauna of the Vistula River in Cracow, including surroundings of Lesisko. However, the results of electro-catching done in Vistula in 2016 in areas no. 4 and 5 – as presented by Mr. Michał Nowak of the Ichthyo-biology and Fishing Department of the University of Agriculture in Cracow – located downstream of Lesisko, state that in the reach of Vistula in Małopolska there are at least 27 fish species. (*Source: Michał Nowak, Ryby i rybołówstwo na Górnej Wiśle – dawniej i dziś, the Ichthyo-biology and Fishing Department of the University of Agriculture in Cracow, Klikowa at Tarnów, 2016.*). The aforementioned species are present in vicinity of the mouth of the analyzed ditch to Vistula. However, the channel running through the Lesisko Estate is too shallow and too narrow for occurrence of the most of fish species. As a consequence, a chance of occurrence of at least single specimens belonging to protected species is minor.

Trees and shrubs shall be removed in implementation phase of the planned investment, but – due to the fact that afforested areas remain suitable habitats – it is necessary to inspect the trees and shrubs to be logged in terms of protected animal species' occurrence. This decision imposes an obligation of inspection for trees in attendance of an environmental supervisor, in terms of inhabiting them by protected species of birds (and other protected species, e.g. bats). In case of identifying nests or hatches the works shall be stopped and inspections shall be done until hatches leave the site – the works may be restarted then. In case of identifying other types of animals, removal of trees shall be feasible after obtaining a permit for performance of actions banned in reference to protected species of animals, and after applying possible mitigation / compensation measures.

Due to the necessary logging of trees and shrubs, direct impact on the birds may occur as a result of local reduction of habitats (potential sites of nesting and / or feeding). It shall however not be an impact that may pose hazard to populations of present bird species in a regional or state scale.

It is allowed to partially damage habitats of birds, but it was instructed to remove the trees beyond the hatching period of birds, what is to secure the birds against losing the hatches. Another potential impact on the birds is noise generated on the performance stage by e.g. intensified traffic of equipment. It may result in scaring of birds nesting and feeding in the neighborhood of the designed investment. The impact shall be temporary in the performance phase, and it shall not affect number of population for particular bird species.

Earthworks on the investment implementation stage may lead within the entire section to the occurrence of temporary (subject to removal due to the further construction works) land pits filled with water, which may be spontaneously occupied by animal species applying habitats of such a type for breeding – amphibians mainly. As a consequence, in order to minimize losses in populations of the aforementioned animal type, the decision indicates that it is necessary to perform the works in a way preventing shaping of water pits and back-swamps. However, considering the technology and the scope of works, as well as possible weather conditions (e.g. long-term rainfall), it is not always possible to avoid shaping of pits temporarily filled with water; thus, it is additionally obligatory to catch and move all development forms – except for adult ones – of amphibians identified in pits of that type to the area beyond danger zone.

This decision states that it is necessary to assure environmental supervision during the performance – to be done by relevant experts in order to inspect the performance method. The supervisors shall be obliged to provide systematic surveys and to inspect environmental condition throughout the investment implementation period. As a consequence, the environmental supervisors present during the construction works shall decide about reasonableness of undertaking additional measures associated with protection of species on the investment implementation stage. In justified cases,

which cannot currently be foreseen, the environmental supervisors shall make decisions on application of corrections or on implementation of additional protection for organization of the construction works. The scope of environmental supervision does not only contain inspection of proper adaptation to all of the conditions indicated prior to obtaining investment project implementation permit, but also assurance that all works are performed while considering protection of species.

f) Areas, where environmental quality standards have been exceeded or it is probable that they would be exceeded

Air quality monitoring within Małopolskie Province is done by the Provincial Environmental Protection Inspectorate in Cracow. The current quality of air in the area of the planned contract states that permissible values for particulate matters are exceeded. It refers to large-scale low emission. In case of the City of Cracow an air quality programme has been developed, and its priorities assume reduction of that emission.

The contract in question does not generate pollutions, which may result in deterioration of the environmental quality. During the construction the emission of pollutions to the air would be short-term and shall cease after completing development of network, and during the use of the contract the impact shall be minor and would not result in deterioration of permissible values.

g) Areas with landscape of historic, cultural, or archaeological value

In accordance with the study of conditions and directions of spatial management for the City of Cracow dated 2014, the investment site is within the designated zone of protection and landscape shaping, and – in a minor part – it runs at edge of the spatial arrangement at one of formed villages, as given in the register of the Provincial Heritage Conservator.

In conformity with the aforementioned source, there are no fixed monuments and archaeological sites with protective zones under conservatory protection in the neighborhood.

h) Population density

According to the Public Information Bulletin for the City of Cracow, the mean population rate for District XVIII – Nowa Huta, where the investment is to be implemented, amounts to 835 people/km².

i) Areas adjacent to lakes

The contract shall be located beyond the areas adjacent to lakes.

j) Health resorts and areas of health protection

The Contract shall not be located within a health resort and in an area of health protection.

k) Waters and environmental objectives for them

The planned contract shall be implemented within the Vistula river-basin, for which the regulation of the Council of Ministers of October 18, 2016 adopted the Water Management Plan for the Vistula River Basin (OJ of 2016, item 1911), hereinafter referred to as the “uWMP”.

The planned contract is located within the body of surface water (BSW), i.e. PLRW2000192137759. According to the binding uWMP, PLRW2000192137759 (Wisła od Skawinki do Podłężanki) is a heavily modified body of water with bad status, monitored, under risk of not achieving the environmental objectives. Derogation under Article 4 (5) of the Water Framework Directive (2000/60/EC), hereinafter referred to as “WFM”, was established for that BSW. Environmental objectives in case of that BSW are good ecological potential and possible migration of water organisms within a significant water-course – Wisła od Podłężanki do Skawinki, as well as good chemical status. The body of water

remains an area designated for protection of habitats or species discussed under provisions of the Act of April 16, 2004 on the conservation of nature (OJ 2018, item 1614), for which the maintenance or the improvement of water status is an important feature of its protection.

The contract is also located within the body of groundwater with a code PLGW2000131. It is BGW having good quantitative status and good chemical status, it is monitored and not under risk of not achieving environmental objectives. Environmental objectives in case of that BGW are good quantitative status and good chemical status. Departures associated with establishments of less rigorous objectives or with extension of the time for achievement of environmental objectives (Articles 4.4 and 4.5 of the WFD) were not established for the indicated body of water. That BGW is established as a body of water for provision of potable water to citizens.

The planned investment shall be implemented within the Lesisko Channel. The works shall be performed beyond the Vistula river-bed; thus, they shall not affect morphological continuity of the river, and shall also not affect its hydromorphological, biological, and physical-chemical elements. Additionally, the planned works shall not modify the size and dynamics of flows in the river. It shall be noted that the mouth of the Lesisko Channel to the River Vistula shall be left on an unchanged level, which means that so-called drainage basis shall not be modified, and its location may affect the size of drainage.

The planned investment does neither comprise dredging of the existing water reservoir nor of the Lesisko Channel. As a consequence, local interference in the underground water-table – resulting from extension of the reservoir's bowl – shall result in temporary modification of its location only in a direct neighborhood of the reservoir, in a reach of few meters, and fluctuations shall not be greater than those caused by natural fluctuation of feeding conditions in a hydrological cycle. After stabilizing the water level in the reservoir, the ground water-table shall restore its original level.

Works associated with redevelopment of facilities – water-supply pipe, teletechnical line, and access road – and occurrence of additional elements associated with the development of the lock and of the pumping station, i.e. concrete revetments for the lock and slope stairs, shall not affect water circulation conditions. Development and functioning of those elements shall not interfere in the water-bearing layer beyond the water-table at the surface.

Implementation of the investment shall not be associated with intake of water or with discharge of wastewater to the environment. Additionally, the investment areas are located beyond the reach of protective zones for water intakes. As a consequence, the planned investment shall not affect the quantitative status and the qualitative status of the BGW.

On the use stage, in case of flood wave's occurrence in Vistula, the water storage period shall be limited to the safe minimum, which shall limit a risk of infiltration by significant volume of flood water into the ground within the channel and the reservoirs.

As a result, the investment shall not significantly affect water relations or the quality of water in case of the water-bearing layer at the surface.

Beyond periods of bankful discharge and identified flood threat, both: the lock's gate, as well as the mobile pumps shall not be applied; thus, they shall not cause any change of water relations and they shall not affect dynamics of ground water in any way.

Considering the above, it shall be stated that impacts resulting from the planned works within the framework of the investment shall be local and temporary, limited to the performance phase mainly, and they shall not pose risk to achievement of environmental objectives discussed under Article 56, Article 57, Article 59, and Article 61 of the Water Law.

3. Type, features, and scale of the potential impact considered in reference to criteria listed under items 1 and 2, and in Article 62 (1) item 1, resulting from the following:

a) Range of impact – geographical area and quantity of people that may be affected by the contract

The planned contract may cause temporary deterioration of the environmental status in the direct vicinity of the planned works. Nuisance and unfavorable impact occurring during the construction process shall be local and temporary – they shall occur in vicinity of the earthworks.

b) Transboundary specificity of the contract on particular environmental elements

The contract location excludes the possibility of transboundary impact, because nuisance and unfavorable impact occurring during the construction process shall be local and temporary – they shall occur in vicinity of the earthworks.

c) Specificity, size, intensity, and complexity of the impact, including load for the existing technical infrastructure and the expected moment of starting the impact

The planned contract shall not have a significant impact on the load for the existing technical facilities.

d) Impact probability

During implementation of the contract minor impacts associated with the performance shall occur, however those shall be temporary. For the purpose of minimizing the adverse impact on the environment it is recommended to perform the work during the day.

e) Duration, frequency, and reversibility of the impact

Due to specificity of the task, its implementation time shall be relatively short. After completing the construction works the time of its impact shall end, and potential nuisance caused by the traffic of vehicles and machines applied at the works shall cease.

During the use the contract shall not be a source of excessive solid, liquid, or gas pollutions.

f) Connection with other contracts, especially accumulation of impact with contracts in progress and completed ones, for which a decision on environmental conditions was issued, placed in the area, where it is planned to implement the contract, and in the area of contract impact, or impacts of which are placed in the area of the planned contract's impact – in the scope, in which their impacts may lead to accumulation of impacts with the planned contract

In vicinity of the designed works other contracts, impacts of which would be considered as causing accumulation of impacts with the designed contract, are not anticipated.

In the near future it is planned – within the framework of direct flood protection for the City of Cracow – to implement investment tasks under the OVFM Project (“Odra-Vistula Flood Management Project”).

None of the investment tasks to be implemented under the OVFM Project – “Odra-Vistula Flood Management Project” – shall be associated with occurrence of significant emission or other significant impact on the environment, scale of which would result in possible occurrence of significant hazard to abiotic environment or to biotic environment, event at simultaneous performance of the construction works. Additionally, application of mitigation measures by the Contractor in accordance with the developed Environmental Management Plans (EMP) for each of the aforementioned assignments shall allow for avoiding a risk of significant accumulated adverse impact, even in case of performing the works simultaneously in neighboring locations.

Furthermore, expected maintenance works at the River Vistula – in accordance with provisions of the Water Maintenance Plan adopted by regulation no. 43/2016 of the Director of Regional Water Management Authority in Cracow dated December 9, 2016 (OJ of Podkarpackie Province of December 14, 2016, item 4152) – shall be performed in the same time in areas, in which the aforementioned tasks will be implemented.

On the use stage the planned investment shall not cause accumulation of impact in case of assignments in progress and assignments completed on site, where it is planned to implement the investment and within the investment impact range.

g) Possibilities to limit the impact

Application of such solutions protecting the environment as: use of efficient mechanical equipment, shortening of the performance time to the necessary minimum, selective collection of waste and its removal from the construction site and handing over to entities having relevant certification for recovery or treatment, shall cause that the impact of the contract on the environment would be temporary, ceaseable, of local range; thus, it would limit the possibility of adverse impact of the contract on the environment.

In case of the contract in question there is no obligation to provide an environmental impact assessment.

Analysis done for materials attached to the application on the issuance of decision on environmental conditions for the contract in question proved that the most of conditions determined under Article 63 (1) of the Law of October 3, 2008 on the access to information on the environment and its protection, public participation in environment protection and environmental impact assessments, shall not occur for the discussed contract, and the remaining ones would have a minor effect. As a consequence, it was assumed that the planned contract shall not significantly affect the environment, and therefore it is not necessary to provide an environmental impact assessment.

While stating that it is not necessary to provide an environmental impact assessment, the Regional Director for Environmental Protection issued notification dated 06/16/2020, ref. no.: OO.420.4.4.2019.BM, on the completion of evidence hearing related to the issuance of this decision and on the possibility of acknowledging of and discussing with collected evidence and materials and demands informed, and placed it efficiently on a notice board of RDOŚ in Cracow and in the Public Information Bulletin – at website of the Regional Directorate for Environmental in Cracow. Any of the parties has neither commented the case nor raised related remarks.

As it was not stated obligatory to provide an environmental impact assessment, it was not necessary to assure the possibility of public participation in the proceeding, in conformity with provisions under

Article 79 (1) of the Law of October 3, 2008 on the access to information on the environment and its protection, public participation in environment protection and environmental impact assessments.

Based upon the request of the Investor – acting through the Proxy, Mrs. Barbara Chammas – dated 04/08/2020, ref. no.: POPDOW/KR/60549311/20/0830, this decision is immediately enforceable according to the mode under Article 108 (1) of the CAP.

In conformity with Article 108 (1) of the CAP, a decision that may be appealed against may be provided with immediate enforceability, if it is necessary due to the protection of human health or life, or for protection of the state against heavy losses, or due to other social interest or significant interest of a party.

While justifying its request the Investor indicated significant social interest, i.e. protection of human health and life within flood risk sites in a part of the City of Cracow – district of Nowa Huta, Lesisko Estate. The drainage system currently operating at that estate does not manage to discharge water from the embanked area (area of the Lesisko Estate). Incapacity of the currently functioning drainage system was revealed during floods suffered by Cracow in 1997, 1998, and especially in 2010, when after closing the non-return valve at the embankment, the area was submerged and flooded, despite operations of available pumps, which were not able to discharge water from the embanked area.

Also significant interest of a party was indicated, as development of a pumping station for mobile pumps to drain the Lesisko Complex is implemented under the OVFMP co-financed by the International Bank for Reconstruction and Development (World Bank), Council of Europe Development Bank, European Union's Cohesion Fund, and the State Budget. In case administration procedures get prolonged, the Investor, i.e. State Water Holding Polish Waters Regional Water Management Authority in Cracow, may lose funding for the investment in question. Considering the arguments given above, the Investor's request to make this decision immediately enforceable was accepted, as the arguments provided correspond with rationale under Article 108 (1) of the CAP.

Analysis of the provided application and of information on the planned contract indicated that the intended contract shall not result in excessive nuisance to the environment.

As a result it was decided as given in the conclusion.

Instruction

One may appeal against this decision to the General Director for Environmental Protection in Warsaw (00-922 Warsaw, 52/54. Wawelska Street) through the Regional Director for Environmental Protection in Cracow within 14 days from its serving date.

One may relinquish the right to appeal to the public administration unit, which issued the decision, in case of this decision. On the day the public administration unit received statements relinquishing the right to appeal by the last of the proceeding parties, the decision becomes final and binding.

**Regional Director for
Environmental Protection in Cracow**
Rafał Rostecki MSc
/electronic signature/

Recipients:

1. Mrs. Barbara Chammas – Investor’s Proxy,
2. Remaining parties of the proceeding notified in the mode under Article 49 APC,
3. OO.BM file.

CC:

1. State District Sanitary Inspector in Cracow (ePUAP),
2. Ministry of Maritime Affairs and Inland Navigation in Warsaw (ePUAP).

INFORMATION OF THE ADMINISTRATOR ON PERSONAL DATA PROCESSING

Due to enactment of the Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 *on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC* (hereinafter referred to as GDPR) on 25 May 2018, we hereby inform that:

- 1) The Regional Director for Environmental Protection with its office in Cracow, 25. Mogilska Street, 31-542 Cracow, administers your personal data.
- 2) Your personal data shall be processed by the Regional Directorate for Environmental Protection for the purpose of administrative / court-administrative proceedings, in accordance with Article 6 (1) letter c) of the GDPR.
Provision of your personal data is voluntary, but necessary for fulfilling the legal obligation of addressing the case.
- 3) Your data may be provided by the Regional Director for Environmental Protection in Cracow to units authorized to obtain information based upon commonly valid provisions of the law.
- 4) Personal data provided by you shall be stored by the time required by provisions of the law.
- 5) You have a right to access your personal data and a right to adjust them, limit their processing, and a right to transfer the data.
- 6) Due to processing of your personal data you have a right to file a claim to the President of the Personal Data Protection Office.
- 7) Contact data to the Data Protection Inspector: e-mail address: iod.krakow@rdos.gov.pl, postal address: 25. Mogilska Street, 31-542 Cracow.

SPECIFICITY OF THE INVESTMENT

The Contract titled **“Construction of a pumping station for mobile pumps to drain the Lesisko complex”** is located within Małopolskie Province, in Cracow, at the embankment lock of the Lesisko Channel, in the area of Longinusa Podbipięty Street. The aim of the contract in question is to improve the current flood protection status for the areas located along the Lesisko Channel.

The planned contract shall comprise the following measures:

- Development of a pumping station for mobile pumps, along with a site storage reservoir with capacity of about 0.6 K m³, including partially protected bottom and bank slopes, at chainage from km 0+183 to km 0+238;
- Demolition of the existing embankment lock made of reinforced-concrete tubes DN800, including abutments, inlet and outlet, and development of an embankment lock made of plastic tubes with maximum diameter of DN1800 in that place, along with inlet chamber with max. diameter of DN2500, inlet to the chamber – min. DN800, with connection nozzles for pumps, grates, valves, non-return valves, and reinforced-concrete abutments at the inlet and at the outlet, and fence with a gate, at chainage from km 0+142 to km 0+187;
- Protection of the inlet (up to km 0+181) and of the outlet (from km 0+120) at the embankment lock with concrete elements ended with reinforced-concrete buttresses;
- Redevelopment of facilities: urban water-supply pipe, teletechnical line on posts, asphalt access road over a length of about 50 m, and a descent road from it to the pumping station, including management at chainage from km 0+176 to 0+184 comprising paving the surface of yard for pumping stations with concrete slabs, cobblestones, and breakstone;
- Redevelopment of a section of the Lesisko Channel through partial desilting of the bottom with profiling the slopes and reinforcing with fascine bundles and fencing and with palisade at chainage km 0+238 – 0+781;
- Development of slope stairs for the lock and for the pumping station for traffic purposes;
- Increasing the area of the existing water reservoir in a reach from km 0+935 –1+337 of the Lesisko Channel, over a length of 402 m, mean width of 50 m, and depth of about 1.8 m. The planned works shall be limited to extension of the reservoir by profiling of new banks and extension of the waterside of the reservoir without interference in the water-course’s bottom, while profiling the slopes with inclination of 1:2, and they would be covered with a 10 cm thick layer of soil providing growth abilities, and sown with a mix of grass. The extension area for the reservoir on the right bank shall amount to about 0.75 ha, and on the left bank to about 0.18 ha;
- Development of a temporary construction cofferdam for the purpose of drilling, and of an abutment for the lock’s outlet on the riverside of the embankment (in the embanked area), in order to protect the areas beyond the embankment against flooding by floods at Vistula River.

The planned investment includes application of natural flood storage in the Lesisko Channel and in the existing water reservoir at chainage km 0+935. Available volume (for the purpose of flood storage for the time of pumps' operations) of the ditch, along with the water reservoir existing at km 0+935 and planned site storage reservoir at the pumping station – shall amount to about 31 K m³.

Application of 6 mobile pumping sets basing upon diesel engine and meeting the most recent standards referring to combustion gases and noise was planned as essential equipment for the planned pumping station. They shall also have an integrated system preventing leakage of fuel and diesel. Operations of mobile pumps are expected during flood conditions only, as at the normal use water from the Lesisko Channel is discharged gravitationally to the River Vistula through an embankment lock.

Mobile lighting (portable spotlights) connected to the pumping assembly's power generator shall be applied for lighting of stations for the pumping sets.

- *The scope of planned earthworks and revetments in the existing water reservoir shall comprise:*

Removal of a layer of soil currently forming a bank of that reservoir. It shall be 1.3-1.5 m thick layer on the left bank, on average, and about 1.8 m in the highest spot. On the right bank, which does not provide a clearly shaped slope, it is a layer of 0.6-0.7 m, on average, and maximally about 1.1 m.

The horizontal part shall be profiled with a drop of about 0.5% towards the Lesisko Channel's axis, and left in a natural shape. That level would be just below an average water level in the existing reservoir; thus it shall be left for the natural succession of fauna and flora.

New bank slopes formed shall be covered with fertile soil and sown with a mix of grass, what would protect them against excessive washing-out. The performance is to be done from the level of the existing land by moving the work site backwards, so the vehicles would not operate on the new land level, which may be under the water-table (the water level in the reservoir is varied).

- *The scope of planned excavations, earthworks, and protection in the channel shall comprise:*

Earthworks in the channel shall mainly comprise unification of the channel's width on the average water level through extension to the width of 2.2 m, which is associated with profiling of the existing slopes to inclination of 1:2. Width of the channel at the bottom and profiling of bank slopes shall be stabilized by development of fascine fencing and placement of fascine bundles at the slope basis over the entire section from km 0+238 to km 0+781. The protection shall be ended with a palisade. Works at the bottom shall include levelling of the bottom according to the adopted profile (drop of 0.05%), which would comprise sectional desilting (over the designed bottom's gradeline), without affecting the original solid bottom and without filling the existing pits in.

- *The scope of planned excavations, earthworks, and protection in section of the pumping station with a site storage reservoir*

In that section it is planned to provide heavier protection due to strong water flow disturbance caused by the ditch's inlet at Podbipięty Street, inlet to the lock, and expected operations of the pumps. The bottom and slopes of the Lesisko Channel in that section shall be protected with grate-type slabs, and reinforced-concrete buttress is planned in the end of the protection. The channel's inlet at Podbipięty Street and a part of the bottom at the site storage reservoir (where suction baskets of pumps shall be placed, at bases of the southern slope and of the eastern slope), will be coated with concrete troughs and slabs. The remaining part of the bottom and of slopes at that reservoir shall be protected by sowing with a mix of grass.

The expected type and the expected order of the works are as follows

- Setting the axes of designed objects and boundaries of the earthworks out;
- Logging of trees and shrubs within the boundaries of the planned works;
- Removal of top-soil layer;
- Excavations and earthworks and development of designed protection in the channel and in the existing reservoir;
- Development of a temporary cofferdam and demolition of the existing lock with revetments and abutments;
- Development of a new lock with an inlet chamber and facilities, new abutments, revetments and buttresses, disassembly of the construction cofferdam;
- Development of the site storage reservoir with protected bottom and bank slopes;
- Redevelopment of the facilities;
- Provision of target management for the pumping station, including paved surfaces and fencing;
- Redevelopment of an access road and of a descent road to the pumping station;
- Supplementation of sowing, clearance of the investment site.

The following scheme of operations is assumed for the pumping station:

- Regular boundary conditions, i.e. NSL at the Przewóz Barrage, gravitational discharge: up to the flow Q50% the water-table stays in the ditch (at filling up to elevation 196.00 m a.s.l.), maximum discharge up to elevation 197.0 amounts to about 1.6 m³/s, after exceeding the boundary of the water-table at elevation 196.00 it is required to provide the first pumping set, and in case of unfavorable short-term forecasts – to engage the entire basic assembly, i.e. 6 pumping sets;
- Flood boundary conditions, i.e. the level of water in Vistula at flow Qd amounting to 199.99 m a.s.l., non-return valve of the lock closed – gravitational discharge stopped, it is required to engage the entire basic assembly, i.e. 6 pumps, possible discharge of water Q1% allowed over the embankment crest after provision of additional pumping sets.

Location of site facilities expected on that stage is a plot, where the site storage reservoir, stations of mobile pumps, and maneuvering yard are planned, with access from a section of Podbipięty Street.

**Regional Director for
Environmental Protection in Cracow**
Rafał Rostecki MSc
/electronic signature/