

**REGIONAL DIRECTOR FOR  
ENVIRONMENTAL PROTECTION  
IN CRACOW**

OO.420.4.1.2019.BM

Cracow, February 28, 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) and (2) item 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 (OJ of 2020, item 283, consolidated text), Article 4 (1) and (2) of the Act of July 19, 2019 on changing the Act on the access to information on the environment and its protection, public participation in environment protection and environmental impact assessments and some other acts (OJ of 2019, item 1712), Article 104 of the Act of June 14, 1960 Code of Administrative Procedure (OJ of 2018, item 2096, as amended), as well as Article 3 (1) item 65 of the regulation of the Council of Ministers of November 9, 2010 on the investments which may significantly affect the environment (OJ of 2016, item 71, consolidated text) in the meaning of Article 4 of the regulation of the Council of Ministers of September 10, 2019 on the investments which may significantly affect the environment (OJ of 2019, item 1839),

**a f t e r c o n s i d e r i n g**

the application dated 06/11/2019 (reception date: 06/12/2019), ref. no.: POPDOW/KR/60549311/18/0469, as provided by the Proxy, 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 contract titled: **“Extension of a section of the right embankment downstream of the Dąbie Barrage, including development of a flood gate in the area of a repair yard”**,

**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 contract in question.**
- 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. Materials applied for extension and redevelopment of the embankments and for backfilling of the excavations shall be free of substances significantly harmful to the water environment and providing a risk of contamination for the earth surface. 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. Excavation for the flood gate shall be done under cover of sheet piling.
6. Construction works associated with the development of flood gate and with the temporary channel and with construction and extension of flood embankments shall not be done at warning levels and alarm levels.
7. During accommodation of a flood wave, vehicles, machines, construction materials, and other objects and mobile elements applied at the construction shall be located beyond the riverside part of the embankments.
8. 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.
9. Trees and/or shrubs located in a direct vicinity of the planned works (which are not intended for removal) shall be protected against damaging, e.g.:
  - a) through separation of a tree / shrub, including tight fencing of the area, where trees grow, along with areas taken by roots, within the crown projection,
  - b) through protection of a tree trunk to secure bark against scaring or damage – boarding for the trunk or covering it with mats, e.g. made of straw; at application of boards one shall draw attention to tightness of planks at the entire trunk surface up to the height of about 2 m (if possible), the bottom part of the board shall be dug into the ground, and – if not possible – covered with soil or additionally protected with a wire,
  - c) through protection of the root system in excavation. The excavation within the tree crown projection shall be done manually.
  - d) through protection of tree branches, e.g. tying the lowest branches and boughs or ones at low heights to the ones located above or supporting them to avoid damaging their bark.
10. One shall avoid forming of temporary water pits, which may be potential breeding sites for amphibians (from the beginning of March until the end of May) during the construction works, and in case of forming them, one shall remove them immediately.
11. Within the excavations one shall apply a relevant drainage system for construction excavations to assurance keeping them without stagnant water. In case of identifying suspension in water pumped out from the excavations, they shall be cleaned in sedimentation/settling tank intercepting suspension prior to the discharge to the river.

**III. 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), applied to the Regional Director for Environmental Protection in Cracow for the issuance of a decision on environmental conditions for the contract titled “**Extension of a section of the right embankment downstream of the Dąbie Barrage, including development of a flood gate in the area of a repair yard**” in the motion dated 06/11/2019 (reception date: 06/12/2019), ref. no.: POPDOW/KR/60549311/18/0469.

Name of the planned investment has been modified during the proceeding based upon the Investor’s request. The previous name of the investment was as follows: “*Redevelopment of the right embankment between the Dąbie Barrage and the Płaszów Port, construction of a flood gate with necessary facilities*”. The need to modify the investment’s name resulted from emphasizing the basic function of the flood gate mainly, which is to provide flood protection. The application has been updated due to formal issues with a note dated 07/12/2019, ref. no.: POPDOW/KR/60549311/19/0626, and the investment data sheet has substantially been supplemented with a note dated 09/24/2019, ref. no.: POPDOW/KR/60549311/19/0952.

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 (OJ of 2020, item 283, consolidated text) were attached. 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* (OJ of 2020, item 283, consolidated text), hereinafter referred to as the EIA Act, as well as due to Article 4 (1) of the Act of July 19, 2019 on changing the Act on the access to information on the environment and its protection, public participation in environment protection and environmental impact assessments and some other acts, 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, as discussed under **Article 4** of the regulation of the Council of Ministers of September 10, 2019 on the investments which may significantly affect the environment (OJ of 2019, item 1839), 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 2016, item 71).

The Regional Director for Environmental Protection informed the parties in the notification dated 08/20/2019, ref. no.: OO.420.4.1.2019.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 having rights to the properties directly adjacent to plots, where the contract shall be implemented, 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 20. Therefore, in accordance with delegation included in 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 10/04/2019, ref. no.: OO.420.4.1.2019.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 10/04/2019, ref. no.: OO.420.4.1.2019.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 10/15/2019 (reception date: 10/16/2019), ref. no.: NZ-PG-420-260/19 ZL/2019/10/291, 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 10/24/2019 (reception date: 10/30/2019), ref. no.: DOK.DOK2.950.36.2019.SW, 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***

The planned contract comprises redevelopment and extension of the right embankment of the River Vistula between the Dąbie Barrage and the Płaszów Port, along with development of a flood gate at the outlet from the port channel, including accompanying facilities. The contract in question is

located within Małopolskie Province, entirely within the City of Cracow, between the following streets: Stoczniovców, Nowohucka, and Na Zakolu Wisły.

According to the register kept by the State Water Holding Polish Waters RZGW in Cracow the Płaszów Port is located at chainage km 81+250 of the River Vistula, about 300 m downstream of the Dąbie Barrage. Extension and redevelopment of the existing flood embankments shall be done at working chainage from km 0+000 to 0+313 (with a gap for the flood gate located at chainage km 0+272). Furthermore, some of the construction works associated with implementation of the planned investment shall exceed the informed embankment chainage (e.g. development of a power cable providing power to the flood gate), but it shall be within the boundaries of the entire investment's impact range.

The site, where the contract shall be implemented, has an area of about 3 ha, including the site from which greenery shall be removed – about 0.25 ha. The impact area for the planned contract is about 14.0 ha. Temporary acquisition of areas – for the purpose of developing site facilities and service roads – shall also be implemented during the performance. After completing the contract, the site facilities and service roads shall be liquidated, and the area acquired shall be restored to its original conditions and use method.

Land facilities remaining in a catalogue of investments that may significantly affect the environment shall not be redeveloped under the planned investment. In accordance with data provided in the IDS it is planned to remove inactive technical facilities at the embankment body and to redevelop or protect the existing land facilities colliding with the embankment. The Investor-provided documentation analyses implementation of the contract, including two variants and so-called "0" option in case of resigning from implementation of the task in question.

The variant selected by the Investor for implementation (Variant II) comprises raising and widening of the existing embankment crest, including sealing in the form of an anti-seepage membrane . development of a central anti-seepage membrane sealing the embankment body over the entire length of the embankment section to be redeveloped and extended. Depth of the membrane shall be about 10 m below the embankment crest's level. It is planned to develop the central anti-seepage membrane sealing the embankment over the entire length of the embankment section to be redeveloped and extended. Depth of the membrane shall be about 10 m below the embankment crest's level. Locally, at crossings and junctions between the embankments and the existing infrastructure, it may be necessary to seal the membrane additionally in a location different than the embankment crest, in a way providing a uniform tightness over the entire length of the embankment.

Furthermore, the range of the contract in question includes extension of the embankment body to the designed elevation – from about 204.01 to about 203.73 m a.s.l., and – subsequently – reconstruction of the crest with a paved road and redevelopment of a riverside slope and a landside slope of the embankment, while keeping the designed inclination (1:2.0 – landside, 1:2.25 and 1:2.5 – riverside). Locally, within a short section at junction with other objects, it may be necessary to apply a different inclination rate, at keeping the required stability of the embankment.

Length of the existing embankment to be extended / redeveloped currently amounts to about 245 m, whereas after the redevelopment / extension its total length shall be about 290 m. In that variant, for the purpose of developing the flood gate, it is recommended to develop a temporary inlet channel to the port (for the time of implementing the target solution). It shall refer to the demolition of a part of the existing embankment and to relocation of an entrance to the port for the time of developing the flood gate. Working chainage of the embankment is from 0+000 to 0+313.

Parameters of the temporary channel's entry section to the port shall be similar to the existing entrance (width of about 25 m). That channel shall be made of a palisade in the form of sheet piling, developed using driven steel sheet piles, and at sloping of the edges with inclination and revetments

assuring their stability and durability. After completing the works, the palisade shall be dismantled, and the original route of the channel shall be restored.

In order to protect the construction cofferdam against hitting by vessels, a temporary lead-in-pier made of steel sheets shall be developed. For the purpose of providing a reinforced-concrete structure of the flood gate, the excavation for the flood gate shall be made under cover of steel sheet-piling. It is expected to develop closure of the gate as a steel structure assuring flood protection at the flood water flow. Elevation of the flood gate's crest shall amount to 203.73 m a.s.l. In the next task it is expected to join the slope of the extended and redeveloped embankment and the anti-seepage membrane with neighboring objects, i.e. the flood gate and the Dąbie Barrage, so they would form an uniform flood protection system. That option was recommended by the Investor due to the partially limited access to the riverside slope, which would disable the development of anti-seepage membrane while applying a single technology.

The planned redevelopment and extension of the flood embankment and of the flood gate shall assure protection against floods for the area of the Płaszów Port, as well as for the areas surrounding it, while simultaneously allowing for the use of the port by vessels. Such a solution for flood protection eliminated necessary modernization and extension of the existing flood embankments around the entire port, while concentrating on engineering objects.

The flood gate along with the flood embankment to be modernized shall be joined with objects of the Dąbie Water Barrage (beginning of the embankment) and with the right flood embankment of Vistula to be modernized based upon separate documentation (end of the embankment), to form an uniform protection system for Cracow against flood water.

The works shall be done in stages. The initial stage shall comprise development of a temporary steel sheet piling (constructional cofferdam) protecting the construction pit for the flood gate, and development of a temporary (for the time of construction) entrance to the port, bypassing the excavation, what would allow for applying the Płaszów Port at implementation of the investment and for securing the exchange of water between the River Vistula and the port basin. On the following stage it is planned to develop a flood gate with necessary accompanying facilities and to start it up and remove the temporary entrance to the port. Flood embankments shall be extended and redeveloped on that stage, including development of the anti-seepage membrane, as well as service footbridge at the flood gate over a length adapted to a width of the flood gate and with a width of about 3.0 m.

Fixed hydraulic objects to be developed, shall – in accordance with the Regulation of the Minister of Environment of April 20, 2007 on the technical conditions for hydraulic structures and their location (OJ 2007 no. 86, item 579) – belong to Class I of importance, with a departure referring to determination of the design flow and of the control flow, Q1% and Q0.2% respectively (without estimation error). Departure from technical-construction regulations for that section of the embankment is a result of continuing vertical alignment of the existing embankments to be extended, as established based upon the same rules as in case of the entire length within Cracow.

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***

It is planned to extend the Vistula embankment in the near future: “*Construction 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, Section 3 - the right embankment of the River Vistula from the Dąbie Barrage to the Przewóz Barrage*” – Contract 3A.1 implemented within the framework of OVFMP.

Section 3 of the aforementioned Project borders upon the planned investment – comprising development of the flood gate and redevelopment and extension of the flood embankments - directly. The works in section 3 of the embankments – neighboring the planned extension and construction of the embankment and the development of the flood gate -shall be done in other time. It is expected that the potential simultaneous performance of the works planned in section 3 of the embankments in greater distances in reference to the investment in question would not generate accumulation of impacts with this contract.

The designed contract shall not cause excessive impact on adjacent sites.

***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, which is the Płaszów Port with embankments reaching the Dąbie Barrage, shall not affect 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. In the contract implementation phase such typical materials for that type of construction works shall be applied as: embedded soil, concrete/reinforced-concrete, bentonite, plastics, steel, and cast iron.

Quantities of materials applied for the development of the flood gate, along with redevelopment and extension of the right flood embankment, shall result from the bill of quantities, and shall not in any case exceed the quantities expected for performance of that type of works. They shall not tap the condition of regional natural resources, including water and construction aggregate. It shall be possible to confirm the actual quantity of materials applied for revetments and structures after developing design documentation – first: the construction design.

Basic material applied during the contract implementation is the material collected during the demolition of the existing part of the embankment (development of the temporary entrance to the port) and the material collected during earthworks for the flood gate. In case of material shortage it shall be purchased and delivered from any plant.

Fuel for machines of the contractor shall be delivered with tank trucks having fueling fittings. Vehicles shall be fueled at petrol stations. Concrete shall be delivered by truck concrete-mixers and poured with a self-propelled pump. The need for water shall be mainly associated with utility purposes of the staff participating in the construction works. It is not expected to provide sanitary rooms for facilities related to the flood gate. The supervising staff and temporarily present teams providing technical inspection to the flood gate shall use a sanitary unit located at the Dąbie Barrage. Water shall be transferred to the site facilities using a local water-supply system placed in port structures or delivered with water carts. Water shall also be used for production and curing of concrete. The need for electric power on the implementation stage and the use stage shall be covered using the existing power line. A LV switch-room shall be placed inside the flood gate’s unit on the use stage.

Excavation for the flood gate’s unit shall be done using hydraulic excavators, while storing the soil from the excavation at the edge of the works (after physical-chemical tests for the purpose of further use) or loading the soil directly onto trucks to remove it away from the contract area. During development of the flood gate and redevelopment and extension of the embankments from the Dąbie Barrage to the port channel relevant construction machines shall be applied.

The scope of main works and technologies expected for particular objects, with estimated quantity of materials to be applied, are given below:

- *Construction of a flood gate with a service footbridge and a temporary channel:*
  - Development of a construction pit under cover of sheet piling in order to develop a reinforced-concrete structure of the flood gate with an inflow channel, initial stage – about 4200 m<sup>2</sup>,
  - Replacement of soil (about 2000 m<sup>3</sup>) for foundation, if necessary,
  - Performance of micro-piling reinforcing the subbase for the foundation of the flood gate's structure, if necessary,
  - Development of an anti-seepage membrane (made of e.g. steel sheet piles) between the flood gate and the extended and redeveloped flood embankments on both sides (about 800 m<sup>2</sup>),
  - Development of a reinforced-concrete structure of the flood gate (about 4500 m<sup>3</sup>),
  - Placement and assembly of a steel closure of the flood gate,
  - Construction of a power line (MV or LV) supplying power to devices of the flood gate, along with lighting,
  - Development of teletechnical network with control and measurement apparatus,
  - Development of a monitoring system using CCTV inspection system,
  - Development of a service footbridge with lighting.
- *Development of a temporary entrance channel to the port bypassing the foundation excavation:*
  - Development of a lead-in-pier made of steel sheets,
  - Removal of the temporary entrance channel to the port on the second stage of the works,
  - Partial backfilling of the existing port channel with local material or delivered material,
  - Development of a pier in the area of the gate in the form of sheet piling made of driven steel sheets topped with a reinforced-concrete top-plate (length of not more than 150 m).
- *Redevelopment and extension of the flood embankments:*
  - Demolition of objects colliding with the embankment on the landside, which are not functionally connected with it,
  - Removal of top-soil and stair-shaping at embankment slopes,
  - Raising and extending the embankment crest,
  - Development of a suspended anti-seepage membrane (trenchmix method) over the entire length of the embankment section to be redeveloped and extended. Depth of the membrane shall amount to about 10 m below the embankment crest. Locally, at crossings and joints between the embankment and the existing facilities, it may be necessary to provide additional sealing with a membrane in a location different than the embankment crest or using a different technology, in order to assure a uniform tightness over the entire length of the embankment. The area of the membrane shall amount to about 3,230 m<sup>2</sup>,
  - Development of hardened service roads on the embankment crest and in the area of descend roads and an embankment crossing and service yards,
  - Top-soiling and mixing with a grass mixture.

Concrete mix shall be delivered to the embedding site from the concrete plant having a certificate for development of hydraulic concrete. Other construction materials and technological equipment for the flood gate shall be delivered to the designed embedding site using the existing roads.

The port channel shall be sectionally protected (slopes, slope bases, bottom at increased flow velocities) with rip-rap made of heavy breakstone, on geo-textile subbase. Revetments in the form of gabion mattresses and gabions or reinforced-concrete hollow-core slabs shall be designed in locations vulnerable to erosion.



Excavation for the flood gate's unit shall be done using generally available mechanical equipment, while storing the soil from the excavation at the edge of the works (after physical-chemical tests for the purpose of further use) or loading the soil directly onto trucks to remove it away from the contract area.

The site facilities shall be located within the environmental impact range of the planned contract. Its precise location shall be established by the contractor.

It is estimated that in the contract use phase only the works associated with repairs and maintenance shall be done, and minor volume of materials and fuel shall be applied then.

***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 flood protection (the gate and the embankments) remaining the subject of the works is not related to the regular emission of pollutions and emission of noise. Periodically there may be a temporary impact in the form of pollution emission to the air and emission of noise during mowing of plants growing on the crest and on slopes of the embankment, and during potential workshop works associated with gate maintenance.

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 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.

The planned redevelopment and extension of the flood embankment and development of the flood gate at the outlet of the port channel, along with accompanying facilities, 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: preparation of a construction pit, earthworks associated with the designed contract, use of construction equipment, and operations at the utility facilities for the staff.

Due to implementation of the contract, it is expected in the construction phase to produce the following types of waste: mixed packaging waste (code 17 01 06) in the forecasted amount of about 0.45 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 3.5 Mg/year; other unlisted waste (stone) (code 17 12 09) in the forecasted amount of about 1.0 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 0.04 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 1.2 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 0.7 Mg/year; plastics (code 17 02 03) in the forecasted amount of about 0.7 Mg/year; iron and steel (code 17 04 05) in the forecasted amount of about 1.2 Mg/year; brick debris (code 17 01 02) in the forecasted amount of about 0.7 Mg/year; and waste roofing paper (code 17 03 80) in the forecasted amount of about 0.5 Mg/year.

Ground – in the form of gravel, sand gravel, loam – collected during the construction shall be applied as material for development of the embankment body. It is not expected to identify soil as waste due to its management within the contract area. Potential excess of the ground extracted from the excavations shall be removed from the investment site and treated in accordance with provisions under the waste act.

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.

Waste produced on the objects' use stage shall be associated with their maintenance. The analysis of design solution done proved that during the use of objects hazardous waste or waste other than hazardous shall be produced in small volume. 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.**

The planned flood gate, along with the embankment to be extended and redeveloped, is entirely located within the City of Cracow, between the following streets: Stoczniowców, Nowohucka, and Na Zakolu Wisły. According to the register kept by the State Water Holding Polish Waters Regional

Water Management Authority in Cracow the port is located at chainage km 81+250 of the River Vistula, about 300 m downstream of the Dąbie Barrage.

The site, where the contract shall be implemented, has an area of about 3 ha, including the site from which greenery shall be removed – about 0.25 ha

The area of the planned works comprises the area of the Płaszów Port with the embankments up to the Dąbie Barrage. The embankment, which would be modernized, at the moment performs its basic function – it is a flood embankment. The slopes and the embankment crest are covered with grass and partially overgrown with trees and shrubs. The Płaszów Port with the embankments and with the basin and the port facilities (workshops, warehouses, offices, garages, etc.) is a separate technical-utility complex developed to provide services to vessels navigating within Vistula. The port area is surrounded practically on all of its sides by flood embankments.

The embankment in question has the following features: embankments (crests and slopes) and their direct vicinity are densely overgrown by trees, shrubs, and other plants; there is infrastructure in the form of various types of power and teletechnical cables. Pipings are located both underground and directly in the embankments, at its slopes or at its foot. The scope to be implemented, which is to restore the function of embankments between the entrance to the port and the Dąbie Barrage, results from the necessary restoration of technical condition and functional condition of the embankments, in reference to binding guidelines and technical requirements for earth-fill flood defenses.

The contract shall contribute to modification of the management method and the way of use in case of sites located in the direct vicinity, but 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 in question is located at a riparian habitat, in the upper Vistula river-basin. The contract is placed beyond water-mud sites; however, it is close to the Vistula river-bed. The Vistula has a draining character, and the first level (Quaternary level) – being the main usable water-bearing level – has a direct hydraulic contact with waters of Vistula. According to the Hydrogeological Map of Poland in the Scale of 1 : 50 000 – First Water-Bearing Level, Occurrence and Hydrodynamics, Sheet 973, Cracow (2006), the contract area is located in a zone, for which a depth of the first water-bearing level's water-table is in the range of 2 – 5 m b.g.l. Elevation of the water-table in the contract area is about 199 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 a mountainous area, and the flood gate to be developed – along with the extended and redeveloped embankment – shall not run through forest areas.

***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 2018, item 2268, as amended), i.e. beyond protective zones for water-intakes and protected areas of in-land water reservoirs. The closest in-land water reservoirs – GZWP no. 450 Dolina rzeki Wisła [Vistula River Valley] (Cracow) and GZWP no. 451 Subzbiornik Bogucice [Bogucice Sub-reservoir] – are located in a distance of about 0.6 km due north-east and about 2.3 km due south-east, respectively.

***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***

Implementation and functioning of the contract would not have an adverse impact on legally protected sites established based upon the Act of April 16 on the conservation of nature. The analyzed contract is located beyond the boundaries of European Ecological Network Natura 2000 sites. The closest area, i.e. Łąki Nowohuckie PLH120069, is located north-east in a distance of about 3.7 km from the boundaries of the contract area. 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 Now Huta, a district of Cracow. Łąki Nowohuckie remain the last well-kept part of Vistula meadows at Nowa Huta. There are over 10 diversified plant habitats within a small area. The main objective of protection for the aforementioned area is securing meadow habitats (Molinia meadows and hay meadows) as butterfly habitats remaining the main subject of protection. There is no risk of adverse impact for the contract on subject of protection at the Natura 2000 site.

At analyzing environment data given in the IDS [Investment Data Sheet], including hazards for the Natura 2000 site, in reference to implementation of the contract comprising redevelopment and extension of the flood embankments and construction of the flood gate, it was stated that the contract shall not significantly affect the subject of protection at Natura 2000 site Łąki Nowohuckie PLH120069 adversely, as it is not expected that the measures implemented under the contract would 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 contract implementation area is a soft landscaped area. The designed flood gate shall be located between the embankments at the navigation channel leading to the Płaszów Port. No plants were identified, both at the water-table, as well as in the water. No plants with roots placed at the bottom were also identified. The area is covered with plants at the embankments and in their vicinity.

The embankments are grown with high plants, but grass and herbs are present in some spots only. The right embankment between the Dąbie Barrage and the Płaszów Port is wooded at its crest, and at the bank line it is only grown with grass and herbs.

There are many species of trees on the right embankment, e.g. such as: sessile oak, common hawthorn, common ash, box elder, Norway maple, cherry plum, black poplar, fluttering elm, white willow, and weeping willow.

Grass and herbs growing at the right embankment are cosmopolitical species with low habitat requirements, resistant to mowing and human pressure, forming truncated forms of meadow groups. It is a sown mixture of grass, which is systematically being mown within the framework of embankment maintenance. The following were identified, e.g.: annual meadow grass, bushgrass, false oat-grass, perennial grass. Herbaceous plants occurring in that area are e.g.: ground elder, common nettle, nipplewort, European dewberry, field bindweed, red sorrel, common knotgrass. The left embankment is grown with high plants – fluttering elm and black poplar were mainly identified there.

Environmental inspection was done in the discussed area on 11/15/2018, the subject of which were trees and shrubs, which are likely to be logged due to implementation of the contract. The planned logging of trees and shrubs shall be limited to the necessary minimum. The total expected number of trees to be logged is about 195. The planned logging of trees and shrubs shall be done beyond the hatching period of birds (i.e. beyond the period from March 1 to August 31).

An environmental inventory was done in the area of the Płaszów Port in the vegetation / hatching season from 05/14 to 05/16/2018. Results of that inventory were presented in details in the *Report on Environmental Inventory in the Area of the Płaszów Port*, which remains an appendix to the IDS. The inspected area was the Płaszów Port in the Vistula river-basin with a buffer of about 100 m.

That inventory proved that the impact exerted on the implementation stage would relate to temporary (probably lasting for one season) acquisition of the embankments – hatching and feeding sites for birds, and to deteriorated (in case of developing the flood gate) access to the Płaszów Port for fish. The logging to be done under the contract would result in damaging potential nesting sites of protected birds. The use of nests was not identified during the inventory. However, remnants of a nest developed by a bird determined as Eurasian blackcap and remnants of a Eurasian magpie's nest were identified. Parts of greenery to be logged are not unique, although it is possible that in the following seasons they would remain a nesting site for one or few bird species observed in vicinity of the Płaszów Port. Due to the logging the birds shall lose their habitats.

Implementation of the contract shall refer to damaging of protected species' habitats:

- damaging of nests: Eurasian blackcap – 1 nest, Eurasian magpie – 1 nest. Other nests were not identified during the autumnal nest inventory.
- damaging a part of habitat: garden warbler – 1 area, European greenfinch – 1 area, common nightingale – 1 area, great tit – 2 areas, and common wood pigeon – 1 area. None of the aforementioned habitats would be damaged entirely.

During the spring observation the occurrence of the following was identified: garden warbler (singing cock bird), common nightingale (singing cock bird), European greenfinch (1 specimen), great tit (2 singing cock birds), and common wood pigeon (1 specimen). Nesting was however not identified. As a consequence it was deemed that in case of those species part of their habitats, where hatching does not occur, would be damaged. The impact would be insignificant for local populations of protected species. The identified species have an inconsiderable repeatability of nest location. Therefore, prior to the commencement of construction works, one shall verify whether the area have not been colonized by other protected species.

Trees and shrubs not to be logged, but located in the range of earthworks, shall be properly protected, e.g. through boarding (application of covers for tree trunks); fencing of the area not subject to logging; manual performance of the earthworks within the tree crown's projection.

The inventory done proves that in the area of the examination protected species of plants and fungi were not identified. Environmental habitats listed under Appendix I of the Habitats Directive were also not identified.

Furthermore, in the buffer of about 500 m from the embankment in question the occurrence of buff-tailed bumblebee *Bombus terrestris* and Roman snail *Helix pomatia* was confirmed. Potential habitats of other protected species of insects were not identified.

Presence of frogs of the green frog group – pool frog and edible frog – was confirmed in the port basin. The species were established based upon vocalization. Other amphibian species or larvae forms were not identified. Presence of sand lizards was also confirmed for the area. The occurrence of other reptile species is unlikely.

Very high activity of bats was confirmed during night listening at the Płaszów Port. Flights and intensive feeding of common noctules, serotin bats, Daubenton's bats, common pipistrelles, and Nathusius's pipistrelle were identified. Undetermined species of mouse-eared bats and long-eared bats were also identified. The contract area cannot remain a bats' hibernation site due to the lack of proper shelter.

Game mammals or other protected species, other than bats, were not identified in the port area. Discussion with fishermen proved that in the previous season beavers were observed in vicinity of the port, on the western side. The port area may theoretically be used by hedgehogs, foxes, and beech marten. Their presence was however not confirmed during the site inspection.

Furthermore, in the Płaszów Port and within Vistula minimum 31 species of fish may occur, including 5 protected 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***

The Contract is located inside of the archaeological supervision zone. In vicinity of the planned contract there are two archaeological sites, with which the contract does not collide, i.e.: Cracow - Płaszów 1 (AZP 102-57; no. 42) in a distance of about 100 m north, and Cracow - Płaszów 2 (AZP 102-57; no. 42) in a distance of about 200 m south-east (according to data given in the LSDP for the area of the analyzed contract; *Resolution no. CXIV/1540/10 of the City Council of Cracow dated October 20, 2010 on the local spatial development plan for the area "Myśliwska" in Cracow*). It is required to have a person authorized to perform archaeological research in the zone during the earthworks associated with the construction works.

***h) Population density***

The planned contract shall be implemented in vicinity of multi-family residential units. According to the Public Information Bulletin for the City of Cracow, the mean population rate for District XIII Podgórze, where the investment is to be implemented, amounts to 1 547 people/km<sup>2</sup> (<https://www.bip.krakow.pl/zalaczniki/dokumenty/n/215088/karta>).

***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. The task has not been included in the regulation of the Council of Ministers of October 18, 2016 on the update of the Water

Management Plan for the Vistula River Basin (OJ of 2016, item 1911), hereinafter referred to as the “uWMP”, as one that may pose risk of not achieving environmental objectives.

The contract in question forms supplementation for the task implemented under the OVFMP, i.e.: *“Construction 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, Section 3 - the right embankment of the River Vistula from the Dąbie Barrage to the Przewóz Barrage”*, which has been included in the Flood Risk Management Plan for the Vistula river-basin, enacted with the Regulation of the Council of Ministers of October 18, 2016 on the enactment of the Water Management Plan for the Vistula River Basin (OJ 2016, item 1841), as a strategic investment for the water region of Upper Vistula.

The planned contract is located within the body of surface water BSW Wisła od Skawinki do Podłęzańki with European code: PLRW2000192137759. In accordance with the valid uWMP it is a heavily modified body of water with bad status, monitored, under risk of not achieving the environmental objectives, for which derogation under Article 4 (5) of the Water Framework Directive (2000/60/EC) was established. Environmental objectives in case of that BSW are good ecological potential and possible migration of water organisms within a significant water-course – Wisła od Podłęzańki do Skawinki, as well as good chemical status, due to eutrophication caused by pollutions from communal sources. 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 located within the body of groundwater with a code PLGW2000148. It is BGW having good quantitative status and good chemical status, it is monitored and not under risk of not achieving environmental objectives. In case of that BGW derogation under Article 4 of the Water Framework Directive was not established, and the objective is to keep good chemical status and good quantitative status. It is furthermore designated for the intake of water for provision of potable water to people.

The contract shall not adversely affect the possibility of reaching the environmental objectives established in the uWMP for the Vistula river-basin in case of the aforementioned bodies of water.

The measures planned under the contract, considering their character, scope and specificity of the works within the entire catchment of bodies of water, and areas of acquired land (i.e. about 3 ha), shall not result in permanent deterioration of biological, physical-chemical, and hydromorphological elements. Performance of the works shall not affect the morphological continuity of Vistula and shall not modify the size and dynamics of flows in the river. Furthermore, it shall not affect the hydraulic relation between the river basin and the area beyond the embankment.

Implementation of the contract in question does not relate to direct intervention in the Vistula river-bed. The works associated with construction of the flood gate shall be done in a reach joining the port channel with the Płaszów port basin. During the earthworks and the construction works groundwater level shall locally and temporarily be decreased at the cofferdam. That shall not significantly and permanently affect the level of groundwater in adjacent areas. After completing the works the level of groundwater shall be restored to the original value. A potential impact in the form of increased volume of suspension may occur on the stage of developing a temporary section of the port channel, and it shall cease at the completion of works.

On the contract use stage the circulation of groundwater and surface water shall not be modified in relation to the current one. Operations of the modernized flood embankment and use of the flood gate shall not cause emission of pollutions to the ground and to surface water and groundwater, and shall not result in modification of their quality. The area around the flood gate shall be shaped in a way allowing for self-discharge of rain water. In case of standard levels the Flood Gate shall remain

open, and the flow between the port channel and the River Vistula shall be unconstrained. The gate shall be closed and shall seal off the port basin from the raised water level in the Vistula channel at accommodation of flood water in the River Vistula in Cracow.

**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 to extend the Vistula embankments: “*Construction 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, Section 3 - the right embankment of the River Vistula from the Dąbie Barrage to the Przewóz Barrage*”.



On the use stage the planned contract shall not cause accumulation of impacts in reference to contracts in progress and completed ones in the area, where it is planned to implement the contract, and in the area of contract impact.

**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.

Due to Article 4 (2) of the Act of July 19, 2019 on changing the Act on the access to information on the environment and its protection, public participation in environment protection and environmental impact assessments and some other acts, the Regional Director for Environmental Protection issued a notification on completion of the evidence hearing, while stating the lack of necessity to provide an environmental impact assessment.

Notification dated 11/19/2019, ref. no.: OO.420.4.1.2019.BM, on the completion of evidence hearing for the issuance of that decision and on the possibility of reviewing them and making statements on the collected evidence and materials, and claims filed, has efficiently been published on a noticeboard of the RDOŚ in Cracow and in the Public Information Bulletin at the website of the Regional Directorate for Environmental Protection in Cracow. None of the parties provided statements and submitted remarks in the case in question.

In the course of the proceeding in progress the Proxy applied with a note dated 01/17/2020, ref. no.: POPDOW/KR/60549311/20/0151, for modification of the previous name of the investment, which was: ***“Redevelopment of the right embankment between the Dąbie Barrage and the Płaszów Port, construction of a flood gate with necessary facilities”***, to the following one: ***“Extension of a section of the right embankment downstream of the Dąbie Barrage, including development of a flood gate in the area of a repair yard”***, and specified some of the technical parameters for designed objects presented in the Investment Data Sheet and in the update.

According to explanations provided by the Proxy, necessary modification of the investment’s name was proposed to e.g. emphasize the basic function of the flood gate, which is to provide flood protection, and to adapt the required definitions to the names of flood defenses applied in the catalogue under the Special Flood Act and in the Water Law Act.

However, the requested minor corrections for technical parameters of designed objects result from their update mainly and from provision of details for design solution and branch establishments, which were done during the proceeding of the discussed application for the issuance of the decision on environmental conditions. That minor change of technical parameters for designed objects

presented in the Investment Data Sheet and in the update shall not result in modifying the range of investment, type of the planned objects, and the area and scale of their impact.

Considering the above, the Regional Director for Environmental Protection in Cracow has again notified the parties in the notification dated 01/27/2020, ref. no.: OO.420.4.1.2019.BM, about completing the evidence hearing for the issuance of the decision in question and about a possibility of acknowledging and commenting the collected evidence and materials and notified claims. The notification has been efficiently published on the noticeboard in the RDOŚ in Cracow and in the Public Information Bulletin at websites of the Regional Directorate for Environmental Protection in Cracow. None of the parties commented the case and raised 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.

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.

In view of the above, it was decided as follows in the operative part of the decision.

### **Instruction**

The Parties are entitled to file a complaint against this decision to the General Director for Environmental Protection (52/54. Wawelska Street, 00-922 Warsaw), through the Regional Director for Environmental Protection in Cracow, within 14 days of the date of delivery of the decision.

One has a right to resign from appealing against this decision to a public administration unit, which issued the decision. On the day of serving a statement of resigning from the right to appeal by the last of the proceeding parties to the public administration unit, the decision becomes final and legally binding.

Regional Director  
for Environmental Protection  
in Cracow

Rafał Rostecki, MSc

### **Recipients:**

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

### **CC:**

1. State District Sanitary Inspector in Cracow (ePUAP),
2. Minister of Maritime Management and In-land Navigation (ePUAP).

## INFORMATION OF THE ADMINISTRATOR ON PERSONAL DATA PROCESSING

In connection with coming into effect on May 25, 2018 of 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 “the GDPR”), we kindly inform you that:

1. The administrator of your personal data is the Regional Director for Environmental Protection with its registered office in Cracow, 25. Mogilska Street, 31-542 Cracow.
2. Your personal data will be processed by the Regional Directorate for Environmental Protection in Cracow in order to conduct administrative/legal-administrative proceedings in accordance with Article 6(1)(c) of the GDPR.  
The provision of your personal data is voluntary, but is required to fulfil the legal obligation in the form of consideration of the case.
3. Your data may be made available by the Regional Director for Environmental Protection in Cracow to entities authorized to obtain information pursuant to generally applicable laws.
4. Personal data provided by you will be stored for the period required by law.
5. You have the right of access to your personal data and the right to rectify it, limit its processing, and the right to transfer the data.
6. In connection with the processing of your personal data you have the right to lodge a complaint with the President of the Office for the Protection of Personal Data.
7. Contact details of the Data Protection Inspector: e-mail address: [iod.krakow@rdos.gov.pl](mailto:iod.krakow@rdos.gov.pl)  
postal address: 25. Mogilska Street, 31-542 Cracow.

**Appendix no. 1** to the decision  
ref. no.: OO.420.4.1.2019.BM  
dated: February 28, 2020

## SPECIFICITY OF THE CONTRACT

The contract titled “**Extension of a section of the right embankment downstream of the Dąbie Barrage, including development of a flood gate in the area of a repair yard**” shall comprise redevelopment and extension of the right embankment of the River Vistula between the Dąbie Barrage and the Płaszów Port, along with development of the flood gate at the outlet from the port channel, including accompanying facilities.

The contract in question is located within Małopolskie Province, entirely in the City of Cracow, between the following streets: Stoczniowców, Nowohucka, and Na Zakolu Wisły.

The planned contract shall comprise the following measures:

- Construction of the flood gate with steel closure at the outlet of the port channel, including necessary facilities under cover of steel sheet piling, eliminating potential impact of the performance on flowing water (e.g. through discharging suspension into it);
- Redevelopment, protection, demolition, and construction of power networks (voltage lower than 110 kV), including networks supplying power to mechanisms of the gate and networks colliding with the planned objects, along with lighting, as well as teletechnical network for monitoring and gate control;
- Redevelopment and development of service yards and roads in a reach of embankments to be modernized and the flood gate to be developed. Listed roads and yards with subbase and course made of aggregate mixture or partially of asphalt concrete or reinforced-concrete hollow-core slabs shall be functionally linked with the contract, and they should be used for provision of services to constructed and redeveloped objects;
- Development of a service footbridge supported directly by the flood gate’s structure;
- Redevelopment and extension of the existing flood embankments at the River Vistula and the flood embankments of the Płaszów Port, including raising and widening of the embankment crest, connecting them with the designed flood gate and with neighboring objects, and their sealing through development of an anti-seepage membrane;
- Development of lead-in-piers made of steel sheet piles at the inlet to and the outlet from the flood gate, in reference to the bank line of the port channel;
- Redevelopment and extension of the existing descend roads and embankment crossings through their raising, widening, modification of grade, and joining them with the existing roads;
- Construction of a pier in the area of designed flood gate;
- Slope revetments for the inflow channel and for the discharge channel, and for the bottom joining them at the designed flood gate using a gabion structure and rip-rap or reinforced-concrete hollow-core slabs;
- Logging of trees and shrubs within the contract area limited to the necessary minimum;
- Demolition of objects colliding with the embankment and not connected with it functionally;
- Grading of the embanked area and the area beyond the embankment along the flood embankment to be redeveloped and the flood gate.

The works shall be done in stages. The initial stage shall comprise development of a temporary steel sheet piling (constructional cofferdam) protecting the construction pit for the flood gate, and development of a temporary (for the time of construction) entrance to the port, bypassing the

excavation, what would allow for applying the Płaszów Port at implementation of the investment and for securing the exchange of water between the River Vistula and the port basin. The temporary entrance to the port shall be provided with a lead-in-pier made of steel sheets, what would allow for using the entrance to the Płaszów Port on the performance stage and would assure the exchange of water between the River Vistula and the port basin. On the following stage it is planned to develop a flood gate with necessary accompanying facilities and to start it up and remove the temporary entrance to the port. Flood embankments shall be extended and redeveloped on that stage, including development of the anti-seepage membrane, as well as service footbridge at the flood gate.

The planned contract comprises development of the following constructional elements:

- *Construction Cofferdam*

The flood gate shall be constructed under cover of a cofferdam made of steel sheet piling, expanded from the inside or anchored. After completing the works the construction cofferdam shall be cut off at the level of the inlet channel's bottom and shall perform a function of a seepage-preventing element underneath objects of the flood gate.

Walls of the cofferdam shall be extended towards the left and the right bank of the channel, and they shall join the existing embankments. On further designing stages – for the purpose of protecting the bottom of the foundation pit against potential displacement of the ground – it shall be considered to replace the ground, provide additional load, or perform cementation of the subbase within the designed excavation. Results of geotechnical tests shall remain a deciding factor in that case.

- *Inflow Channel*

For the time of developing the flood gate the inflow channel at the entrance to the port shall be relocated to allow the vessels for the possibility of using the port, regardless of the works in progress. Parameters of the temporary section of the inflow channel to the port shall be similar to the existing entrance (width of about 25 m) and shall correspond with requirements under the Regulation of the Council of Ministers on the classification of in-land water routes. A length of palisade shall depend on the work technology adopted by the contractor. The temporary section of the channel shall be made using a palisade made of sheet-piling developed using steel sheet piles or sloping of the banks with grading and revetments securing their stability and durability. After completing the works the palisade shall be dismantled and its parts shall be applied for the construction of the gate, and the inflow channel shall return to its original route. For the purpose of protecting the construction cofferdam against hitting by vessels, a temporary lead-in-pier shall be developed using steel piles.

- *Flood Gate*

The flood gate shall be designed as a monolithic reinforced-concrete structure. Shape and size shall result from functional and constructional conditions, at simultaneous assurance of stability and safety of the structure. A parameter required is assurance of structure's opening equal to 12 m. Depending on the ground parameters and conditions it may be necessary to found the designed objects on foundation piles. The flood gate shall be equipped with a closure made of steel construction providing flood protection up to elevation of about 203.73 m a.s.l., at the flood flow.

In case of standard levels the flood gate shall remain open, and the flow between the port channel and the River Vistula shall be unconstrained. In case of announcing an alarm level for the River Vistula the flood gate shall be closed and it shall seal off the port basin from the raised water level in the river channel. The gate shall remain closed until the Crisis Center in Cracow issues a statement withdrawing the alarm level. A set of maintenance gates shall also be available as equipment for the flood gate. The flood gate shall be provided with electro-mechanical or hydraulic drive to control the closure, and an emergency manual drive with possibility of local control from the control room located at the gate. It is also expected to assure an emergency power supply for mechanisms of the gate using a portable power-generating unit. It is expected to develop a service footbridge over a

length adapted to the width of the flood gate and with a width of about 3.0 m, made in accordance with the valid regulations. Control and measurement apparatus – for the purpose of assessing the technical condition and controlling proper functioning of the gate – shall also be available at the flood gate.

- *Land Management*

Steel lead-in-piers allowing the vessels for safe passing through the flood gate shall be developed in the axis of the inflow channel to the port, on headwater side and tailwater side. Service yards, having surface hardened with aggregate mixture or – partially – with reinforced-concrete hollow-core slabs, shall be developed at the gate on the side of the left bank and of the right bank of the inflow channel (with dimensions allowing for U-turns of service vehicles). It is also expected to develop communication stairs and platforms within the gate, which would allow for moving around its objects and for descending to the port basin. The inflow channel's bottom within the flood gate shall be protected with rip-rap. Lighting for the inflow channel and for the area around the flood gate on headwater side and tailwater side shall be developed within the framework of the project. Land utilities shall be redeveloped in a scope colliding with the contract, and the object shall be connected to the power network and to the telecommunication network. The planned objects shall indirectly or directly be connected with public roads through the development of service roads. The designed service roads shall have a total length of not more than 350 m, including some located on the crest of embankments to be extended and redeveloped. Those roads shall be developed on a substructure and hardened with stone material or – locally – with asphalt concrete or with reinforced-concrete hollow-core slabs.

- *Modernization of the Flood Embankment from the Planned Flood Gate towards the Dąbie Barrage, Comprising Redevelopment and Extension of the Existing Embankment*

Length of the existing embankments to be extended and redeveloped – measured at the crest axis – totals to about 245 m. After the extension and redevelopment the embankment shall have a total length (measured at the embankment crest's axis) of about 290 m.

Extension and redevelopment of the existing flood embankments shall be done at working chainage from km 0+000 to km 0+313 (with a gap for the flood gate located at chainage km 0+272). It corresponds with the chainage of Vistula River from km 80+950 to 81+256.

The planned extension and redevelopment of the flood embankment shall mainly comprise the following:

- Logging of trees at the embankment body and at a strip at the embankment over a width of min. 3 m, including trunk stumping and removal of shrubs and brushwood;
- Removal of inactive technical facilities in the area of the embankment body and redevelopment or protection of the existing land utilities colliding with the embankment;
- Raising of the embankment crest to the elevation required by regulations, including levelling, compaction, and correction of slope grading (especially in case of the riverside slope), extension of the existing descend roads and the embankment crossing, development of service yards;
- Stabilization of the riverside slope in a reach from working chainage km 0+000 to 0+054 through development of a sheet piling with a depth of about 6 m, topped with a reinforced-concrete top-plate. The piling shall also remain an additional anti-seepage membrane. The riverside slope's inclination shall be corrected to reach the value of 1:2.25, and slope's subbase shall be additionally compacted;
- Development of a central anti-seepage membrane sealing the embankment body over the entire length of the embankment section to be redeveloped and extended. Depth of the membrane shall amount to about 10 m underneath the level of embankment crest. Locally, at crossings and junctions between the embankments and the existing infrastructure, it may be necessary to seal

the membrane additionally in a location different than the embankment crest and using a different technology, in a way providing a uniform tightness over the entire length of the embankment;

- Joining the slopes of the embankment to be extended and redeveloped, as well as the anti-seepage membrane, with neighboring objects, i.e. with the designed flood gate and with the existing embankment of the River Vistula and the Płaszów Port, and with the Dąbie Barrage, in a way providing an uniform flood protection system;
- Hardening of the embankment crest and of service yards with an aggregate mixture (it is locally possible to develop a surface made of asphalt concrete or of reinforced-concrete hollow-core slabs);
- Hardening of descend roads and the embankment crossing with openwork reinforced-concrete road slabs (it is locally possible to develop a surface made of asphalt concrete).

Furthermore, a part of construction works associated with implementation of the contract in question shall exceed the reach of flood embankment and the flood gate (beyond the indicated working chainage), e.g. development of a power cable supplying power to the flood gate, but it would remain within the boundaries of the entire contract impact.

Basic technical parameters for the embankments to be extended and redeveloped are as follows:

- Width of the crest of about 3.5 m up to the embankment crossing at working chainage km 0+092, and about 4.0 m within the remaining length of the embankment, including protection with aggregate mixture and profiling proper grade towards the embanked area,
- Landside slope with grade of about 1:2.0 (connection with the existing slope),
- Riverside slope with grade of 1:2.25 – 1:2.5.
- Designed crest elevation at working chainage km 0+000 – 204.01 m a.s.l.,
- Designed crest elevation at working chainage km 0+313 – 203.73 m a.s.l.

The construction works may be extended by protection of the riverside slope against animals, e.g. using a technical mesh. The existing descend roads and the embankment crossing shall be properly profiled, while keeping the required drop of max. 15%, and reinforced with openwork reinforced-concrete road slabs or – locally – with asphalt concrete.

The site facilities shall be located within the boundaries of the planned contract's environmental impact range. Its precise location shall be established by the contractor.

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