

Gorzów Wielkopolski, 28 October 2011

**REGIONAL DIRECTOR
OF ENVIRONMENTAL PROTECTION
IN GORZÓW WIELKOPOLSKI**
WOOS-II.4233.12.2011.AN

DECISION
on environmental conditions

Pursuant to Article 71 para. 2 item 2, Article 75 para. 1 item 1 point i), and Article 82, Article 85 para. 1 and para. 2 item 1 of the Act of 03 October 2008 on sharing information about the environment and its protection, participation of the public in the environmental protection, and on environmental impact assessments (J.L. of 2008, No. 199, item 1227, as amended) in conjunction with Article 104 of the Act of 14 June 1960 – Code of Administrative Procedure (i.e. J.L. of 2000, No. 98, item 1071, as amended), as well as § 3 para. 1 items 65 and 67 of the Regulation of the Council of Ministers of 09 November 2010 on projects likely to have significant impact on the environment (J.L. of 2010, No. 213, item 1397), having considered the application of 10 May 2011 submitted by Mr Paweł Rembarz, Branch Director in Gorzów Wielkopolski of Lubuski Zarząd Melioracji i Urządzeń Wodnych [Lubuskie Voivodeship Office for Drainage and Water Facilities] in Zielona Góra, ul. Myśliborska 52, 66-413 Gorzów Wielkopolski, acting on behalf of the Head of the Lubuskie Voivodeship and having conducted proceedings on the assessment of environmental impact,

I do hereby set forth

the environmental conditions for the project entitled:

“Flood Protection of Slubice”,

executed by:

the Lubuskie Voivodeship
ul. Podgórna 7
65-057 Zielona Góra,

and at the same time

I. I do hereby set forth:

1. The time and place of the project's performance:

The project aims at flood protection of Slubice and the suburban areas located below the town. The investment will be carried out in Option No. III which covers:

- the existing flood embankment extending along the Odra River in Slubice from 26+000 km to 32+700 km of the embankment, that is on the distance of 6.7 km,
- 190 m of the so-called “private embankment”,

- the location area of the new flood embankment along the northern borders of Slubice with a length of 5.9 km,
- Długi Rów (Czarny Kanał) [the Long Ditch (the Black Channel)] on the distance of approx. 4,156 m,
- Czerwony Kanał [the Red Channel] on the distance of approx. 2,065 m.

The project is administratively located in the western part of the Lubuskie Voivodeship, in the municipality of Slubice – according to the location shown in Appendix 2 hereto.

2. Terms and conditions for land use in the construction and operation stages:

- 2.1. The construction works on acoustically protected areas may only be carried out during daytime (between 6.00 a.m. and 10 p.m.).
- 2.2. It is necessary to ensure an economical use of land and minimal transformation of its surface, and after the completion of the investment works the land must be restored as much as possible to the initial state.
- 2.3. In order to eliminate the threat involving the disturbance to the life of species protected within Natura 2000 PLB080004 “Dolina Środkowej Odry” [“Central Valley of the Odra River”] special bird protection area, the construction works, including works related to the felling of trees and shrubs around the impact zone of the project, must be carried out outside the breeding season of birds (i.e. outside the period from 01 March to 31 July), on the section of the embankment extending between 582.5 km and 588.0 km of the Odra River.
- 2.4. In order to eliminate the threat involving the destruction (loss) of forest habitats which are protected within the site of Community importance under Natura 2000 PLH080013 “Łęgi Slubickie” [“Slubice Floodplain Forests”] and “Łęgi koło Slubic” [“Floodplain Forests near Slubice”] wildlife park, the felling of trees in communities of natural habitats at a distance greater than 3 m from the foot of the embankment from the water side, on the section of the embankment extending between 582.5 km and 588.0 km of the Odra River, shall be forbidden.
- 2.5. Site facilities, construction materials storage locations, and the base camp for the machinery and equipment must be located:
 - a) outside environmentally valuable areas specified by the environmental supervision team,
 - b) in places, to the extent possible, hardened and sealed and provided with sorbents for quick liquidation of the effects of a possible fuel leak,
 - c) as far as possible from acoustically protected areas.
- 2.6. Process routes for the transport of materials (including machinery and equipment, as well as employees) must be arranged, to the extent possible, on the basis of the existing roads, outside locations specified by the environmental supervision team as valuable natural areas.
- 2.7. Necessary technical and organisational measures must be taken in order to keep access roads clean and limit dust emissions during the transportation of the construction materials and performing construction works.
- 2.8. Waste generated during the implementation of the investment project must be segregated and collected in containers or locations provided for this purpose and their gradual collection by authorised entities must be ensured.
- 2.9. The machinery and equipment used during the construction works must be fully functional and meet the requirements allowing for its operation; the type and technical condition of the machinery and equipment used during the construction must ensure the protection of the land,

surface and groundwater from contamination, protection against the emission of dust and gases into the air, and protect against noise emissions into the environment.

- 2.10. The operation time of internal combustion engines of the machines and vehicles in idle and the speed of traffic of the vehicles in the construction area must be minimised, and the machinery and equipment must be shut down during breaks at work.
- 2.11. It shall be forbidden to carry out repairs and service of the construction equipment, e.g. exchange oil, fluids, etc. within the area covered by the investment.
- 2.12. Waste water from the site's facilities must be collected in leak-proof containers and taken to the nearest waste water treatment plant.
- 2.13. The embankments must be maintained on an on-going and regular basis.

3. Environmental protection conditions which must be included in the documentation required for issuing a decision on the permit for the implementation of the investment, within the meaning of the Act of 08 July 2010 on special rules for the implementation of investments in the field of flood protection facilities:

- 3.1. The construction must involve using materials and solutions ensuring maximum leak-tightness and operational reliability of the embankments.
- 3.2. The embankments must be built by using mineral materials, optionally geosynthetics, which are not a source of emission of harmful substances to the environment.
- 3.3. G-62 sheet piles must be driven into the ground so that the bottom edge of the sheet pile tight wall is located above the top of the waterproof layer of land.

II. I do hereby impose an obligation to monitor the environmental impact through environmental monitoring by means of:

1. Controlling the construction works related to the implementation of the project under the supervision of a natural scientific team, appointed by the entity implementing the abovementioned project for the duration of the investment.
2. The environmental supervision, carried out by experts, must include:
 - a) examination of the area covered by the construction and hydro-technical works prior to their commencement and their inspection during the construction,
 - b) formulating, if necessary, recommendations for actions (together with their implementation) necessary to mitigate the adverse effects of the investment project on the natural habitats and species and their habitats of Community interest under legal protection (species-specific), which could not have been foreseen and/or predicted at the stage of determining the conditions for the implementation of the abovementioned project in the proceedings leading to a decision on the environmental conditions,
 - c) if necessary, obtaining necessary permits on a derogation from the prohibitions on species-specific protection of plants, fungi, or animals according to the rules and within the procedures laid down by the Act of 16 April 2004 on nature conservation,
 - d) reporting in the form of periodic reports submitted to the regional director of environmental protection.

3. The environmental supervision team must include experts in the field of nature conservation, including: phytosociology, herpetology, and ornithology; such experts in the field of nature conservation must have documented experience in that areas and have education in the field of environmental protection or a related one.
4. The monitoring results must be interpreted and submitted to the Regional Director of Environmental Protection in Gorzow Wielkopolski, in writing and on an electronic data carrier (CD), once a year, by the 30th November, in which the investment works have been performed.

III. I do not impose an obligation to carry out:

An assessment of the impact of the project on the environment and initiating proceedings for the cross-border impact of the project on the environment within the procedure concerning the issuance of the decision on the permit for the implementation of the investment, within the meaning of the Act of 08 July 2010 on special rules for the implementation of investments in the field of flood protection facilities.

IV. I do hereby inform that:

- **the description of the project is attached as Appendix 1 hereto and constitutes an integral part hereof,**
- **the map of the location of the project is attached as Appendix 2 hereto and is an integral part hereof.**

STATEMENT OF GROUNDS

Mr Paweł Rembarz, Branch Director in Gorzow Wielkopolski of LZMiUW [Lubuskie Voivodeship Office for Drainage and Water Facilities] in Zielona Góra, ul. Myśliborska 52, 66-413 Gorzow Wielkopolski., acting on behalf of the Lubuskie Voivodeship, addressed the Regional Director of Environmental Protection in Gorzow Wielkopolski with a request of 10 May 2011 for issuing a decision on the environmental conditions for the project entitled "Flood Protection of Slubice".

The following has been attached by the applicant to the request:

- 1) Information card of the project, together with the electronic version;
- 2) Power of attorneys to act on behalf of the investor;
- 3) Excerpts from the land registers;
- 4) Copies of cadastral maps.

The planned investment project will be located in the Lubuskie Voivodeship in the Slubice district, in the municipality of Slubice. The aim of the investment project shall be flood protection of Slubice and the suburban areas located below the town. The investment project will cover the existing flood embankment extending along the Odra River in the town and the area for the construction of a new flood embankment along the northern borders of Slubice.

Pursuant to Article 75 para. 1 item point i) of the Act of 03 October 2008 on sharing information about the environment and its protection, participation of the public in the environmental protection, and on environmental impact assessments (J.L. of 2008, No. 199, item 1227, as amended), the authority competent to issue a decision on environmental conditions for such an investment project is the Regional Director of Environmental Protection in Gorzow Wielkopolski.

The investment project in question, pursuant to § 3 para. 1 item 65 and 67 of the Regulation of the Council of Ministers of 09 November 2010 on projects likely to have significant impact on the environment (J.L. of 2010, No. 213, item 1397) and in accordance

with Article 59 para. 1 item 2 of the abovementioned Act on sharing information about the environment and its protection, is a project that could potentially have a significant impact on the environment.

In accordance with Article 71 para. 2 item 2 of the Act on sharing information about the environment and its protection, participation of the public in the environmental protection, and on environmental impact assessments, an implementation of a planned investment project that could potentially have a significant impact on the environment is permitted only after obtaining a decision on environmental conditions, whereas it is issued prior to obtaining decisions referred to in Article 72 para. 1. In case of this project, it will be the decision on the permit for the implementation of the investment, within the meaning of the Act of 08 July 2010 on special rules for the implementation of investments in the field of flood protection facilities (J.L. of 2010, No. 143, item 963).

Pursuant to the requirement provided for in Article 17 para. 3 of the abovementioned Act on special rules for the implementation of investments, by letter of 16 May 2011, ref. no.: WOOSII.4233.12.2011.AN, the General Director of Environmental Protection was notified on the submission of the request for a decision on environmental conditions for the planned investment project.

The request for a decision on environmental conditions has been entered into a publicly accessible data list kept pursuant to Article 21 para. 1 of the Act on sharing information about the environment and its protection, participation of the public in environmental protection, and environmental impact assessments, under number 2011/A/0080.

The parties to the proceedings have been notified, in accordance with Article 61 § 4 of the Act – Code of Administrative Procedure, of the pending administrative proceedings and the possibility to become acquainted with the documents in the case, by notice of 16 May 2011, ref. no.: WOOS-II.4233.12.2011.AN, posted on the notice board and on the website of the Regional Directorate of Environmental Protection in Gorzow Wielkopolski – www.gorzow.rdos.gov.pl (BIP), as well as on the notice board of the Municipal Office in Slubice. As the number of pages in this case exceeds twenty (20), according to Article 74 para. 3 of the abovementioned Act on the provisions of information about the environment and its protection, Article 49 of the Code of Administrative Procedure applies.

The planned investment is a project that could potentially have a significant impact on the environment, for which the obligation to carry out an environmental impact assessment may be imposed pursuant to Article 63 para. 1. In view of:

- a) a high probability of impact on the subject-matters of protection and objectives of Natura 2000 areas and other forms of nature preservation, through direct impact associated with the physical degradation of natural habitats and the habitats of protected species, for which the abovementioned protected areas have been established, as a result of felling of trees and shrubs and planned earthworks by using heavy machinery and equipment;
- b) a high probability of risk of indirect impact on natural habitats and habitats of protected species, for which Natura 2000 areas have been established, and natural habitats and species of Community interest outside the Natura 2000 areas, as a result of the modification of water conditions in the impact area of the planned investment within the framework of reconstruction and development of the drainage system of the area (changing the characteristic features of the natural habitats, including their basic ecological conditions, including water and trophic conditions);
- c) a high probability of impact on bird species protected for which Natura 2000 PLB080004 “Central Valley of the Odra River” area has been established,

being a result of the use of heavy machinery and equipment within the framework of the construction works generating high levels of noise and vibration in the environment that could potentially distort the functioning of the populations of protected species;

- d) the specific character of impact that could potentially generate long-term, far-reaching, and irreversible effects, causing a significant negative impact on the subject-matters of the protected areas, including in particular Natura 2000 areas and species of Community interest from outside the areas covered by nature conservation actions,

it has been determined that there is a justified need for carrying out an impact assessment of the investment project in question on the environment based on a reliably drawn up report on the impact on the environment.

With this in mind, by the order of 02 June 2011, ref. no.: WOŚ-II.4233.12.2011.AN, an environmental impact assessment for the planned investment project was to be carried out, prior to the issuance of this decision, and the detailed scope of the report on the environmental impact has been established.

The information on the issuance of the order has been entered into a publicly accessible data list, kept pursuant to Article 21 para. 1 of the Act on sharing information about the environment and its protection, participation of the public in environmental protection, and environmental impact assessments, under number 2011/B/0194.

On 02 June 2011, by the order bearing ref. no.: WOŚ-II.4233.12.2011.AN, acting pursuant to Article 63 para. 5 of the Act on sharing information about the environment and its protection, the pending proceedings on issuing a decision on the environmental conditions have been suspended until the submission of a report on the impact of the planned investment project on the environment. The proceedings, after the cessation of the reasons for the suspension, have been resumed by the order of 12 July 2011, ref. no.: WOŚ-II.4233.12.2011.AN.

The submitted Environmental Impact Assessment Report for the Investment Project: "Flood Protection of Slubice", developed by Zakład Ochrony Środowiska [Environmental Protection Institute] in Gorzów Wielkopolski in July 2011 by PhD Stanisław Wołoszyn, after its supplementation by the applicant in the letter of 30 August 2011, ref. no.: DG/ZI-402/115/2011, corresponds in terms of structure to Article 66 of the Act on sharing information about the environment and its protection, participation of the public in environmental protection, and environmental impact assessments. The report on the impact of the investment project on the environment includes an analysis and determination of the impact and potential environmental risks related to the implementation and operation of the project. On the basis of the information contained in the abovementioned documentation, the conditions for the implementation and operation of the investment project, ensuring the environmental protection, have been defined.

The information on the complete report on the impact on the environment has been entered into a publicly accessible data list, kept pursuant to Article 21 para. 1 of the Act on sharing information about the environment and its protection, participation of the public in environmental protection, and environmental impact assessments, under number 2011/E/0151.

In connection with the obligation to carry out an assessment of the environmental impact of the investment project and drawing up a report on the environmental impact, the information about the application and the possibility to submit comments and proposals at the seat of the local authority within twenty-one (21) days, has been given to the public through the announcement of 02 September 2011, ref. no.: WOŚ-II.4233.12.2011.AN, posted on the notice board and on the website of the Regional Directorate of Environmental Protection in Gorzów Wielkopolski – www.gorzow.rdos.gov.pl (BIP), as well as on the notice board of the Municipal Office in Slubice.

No comments and proposals have been made in the proceedings involving the public.

In the course of the proceedings, it has been established as follows:

The aim of the planned investment project is to create a system of flood protection of the town of Slubice. Thus, all the solution analysed by the investor relate to areas located in Slubice and on areas adjacent thereto. Four options for the implementation of the abovementioned objective have been provided in the report on the environmental impact:

- a) Option No. I – construction of wet polders together with a flood relief channel,
- b) Option No. II – construction of a flood relief channel and a circular channel,
- c) Option No. III – reinforcing the existing embankments together with the construction of a new circular embankment from the north-west,
- d) Option No. IV – construction of polders above Slubice.

Given the spatial development of the flood-prone areas, the flood-related experience of 1997, and extent of losses which may potentially be caused by a flood, it was unacceptable to cease the implementation of the project. A comparison of the abovementioned options showed that the most favourable in economic, environmental, and social terms is Option No. III, which has been accepted for implementation. The following aspects support its implementation: flood protection coverage of Slubice and the suburban areas located below the town, meeting the condition of a “safe passage of the flood wave”, social support, good cost efficiency, good economic efficiency, and lack of significant impact on the environment during the operational stage.

The following actions shall be included as part of the implementation of the planned investment in Option No. III: reinforcing the existing flood embankments of the Odra River, construction of new embankments protecting the town with its prospective development areas north of the existing flood embankment, construction of a culvert at the location where the designed flood embankment collides with Czerwony Kanał [the Red Channel], construction of a culvert at the location where the designed flood embankment collides with Długi Rów (Czarny Kanał) [the Long Ditch (Black Channel)], reconstruction of the Red Channel, reconstruction of the Long Ditch (Black Channel), reconstruction of the network of drainage ditches, reconstruction of the roads passing through the embankments, reconstruction of the power lines, reconstruction of the overhead telecommunication lines, securing the telecommunication cable lines running through the modernised embankment, and construction of embankment culverts at locations where the designed embankment collides with the existing drainage ditches.

On the basis of the submitted documents, the authority concluded that due to the nature and character of the undertaking, there will be no potential cross-border impact on the environment. As part of the planned investment, no increase of the crest of the existing flood embankments of the Odra River is provided for in the design. Therefore, the existing conditions of water flow in the river will be maintained. On the other hand, the construction of a new embankment will increase the flood protection of Slubice, by protecting the town and its areas of long-term development from flooding by waters of the Odra River passing through as a result of a failure of the flood embankments located below Slubice. Therefore, the implementation of the investment project will have no impact on the condition and quality of the environment beyond the Polish borders.

Bearing in mind the location of some of the sections of the planned investment project in the vicinity of acoustically protected areas, the construction works thereat must be carried out at a time when the noise and vibrations will be the least bothersome, that is during daytime. Furthermore, to the extent possible, the site's facilities must not be localised near the areas with residential buildings (conditions referred to in items I.2.1 and I.2.5 point c).

In order to reduce the impact of the investment project on the condition of the air in the course of its implementation, items I.2.7, I.2.9, and I.2.10 stipulate the conditions for the machinery and equipment to be used and the organisation of the construction works.

Item I.2.12 hereof sets out the manner in which the management of waste water on the construction site is to be performed, which is to be based on mobile TOI-TOI-type toilets located within the site's facilities, from where the collected waste water will be periodically transferred to the nearest waste water treatment plant.

Due to the need to protect the sensitive land and water environment, it shall also be necessary to manage waste in a manner that protects the environment (condition stipulated in item I.2.8).

The planned investment project is located within valuable natural areas covered by environmental protection pursuant to Article 6 para. 1 items 2, 4, and 5 of the Act of 16 April 2004 on nature conservation (J.L. of 2009, No. 151, item 1220, as amended), i.e.:

- “15 – Słubicka Dolina Odry” [“15 – the Slubice Valley of the Odra River”] protected landscape area established on the basis of the Regulation No. 3 of the Head of the Lubuskie Voivodeship of 17 February 2005 on protected landscape areas (J.L. of the Lubuskie Voivodeship of 2005, No. 9, item 172, as amended).
- Natura 2000 PLH080013 “Łęgi Słubickie” [“Slubice Floodplain Forests”] site of Community importance approved by the European Commission Decision 2011/64/EU of 10 January 2011 on the adoption under the Council Directive 92/43/EEC of the fourth updated list of areas of Community importance constituting a continental biogeographical region;
- Natura 2000 PLB080004 “Dolina Środkowej Odry” [“Central Valley of the Odra River”] special protection area established under the Regulation of the Minister of Environment of 12 January 2011 on special bird protection areas (J.L. No. 25, item 133);
- “Łęgi koło Słubic” [“Floodplain Forests near Slubice”] wildlife park established by the Regulation of the Head of the Lubuskie Voivodeship No. 11 of 23 April 2003 on establishing wildlife parks (J.L. of the Lubuskie Voivodeship No. 25 of 30 April 2003, item 496), Ordinance No. 22/2010 of the Regional Director of Environmental Protection in Gorzów Wielkopolski of 08 September 2010 (J.L. of the Lubuskie Voivodeship No. 91, item 1311 of 21 September 2010).

With this in mind, and given the detailed analysis of the documentation gathered in the case, the environmental conditions for the implementation of the investment project have been established in order to reduce and/or completely eliminate undesirable (adverse) effects of the project from the point of view of the conservation objectives of the abovementioned protected areas, and also in the view of the requirement that the use of the environment is always based on the principle of “sustainable development” (Article 1 of the Act of 27 April 2001 – Environmental Protection Law).

The condition stipulated in item I.2.3 and the time-limit for the completion of the investment project set forth therein, results from the need to completely eliminate the potential impact of the planned project associated with a significant disturbance to birds in their breeding period for the species protected under Natura 2000 OSO PLB080004 “Central Valley of the Odra River” area and itemised within the impact area of the implemented project (those species include, in particular: the honey buzzard, red kite, black kite, marsh harrier, crane, kingfisher, and the middle woodpecker).

The requirement set out in item I.2.4 has been imposed in order to clearly eliminate the impact related to the physical deterioration (cutting down) of the priority resources of the natural habitats, i.e. 91E0 willow, poplar, alder and ash floodplain forests, and 91F0 oak-elm-ash floodplain forests, for the protection of which the “Łęgi koło Słubic” [“Floodplain Forests near Slubice”] Natura 2000 PLH080013 site of importance Community has been established;

The conditions set out in items I.2.5 and I.2.11 have been imposed in order to eliminate the possibility of contaminating the soil and water environment as a result of minor failures or bad technical condition of the machinery, equipment, and vehicles, and possible leakages from the collected and stored materials, in particular the oil derivative substance at the facilities of the construction site of the planned investment project. The abovementioned conditions are also related to the need to adhere to the principle of an economical use of the land in connection with its temporary purpose – a condition stipulated in item I.2.2, and in accordance with item I.2.6 – a need to mark out access roads on the basis of the existing road network.

Item I.3 hereof provides for conditions which must be included in the documentation required for issuing a decision on the permit for the implementation of the investment, within the meaning of the Act of 08 July 2010 on special rules for the implementation of investments in the field of flood protection facilities, ensuring environmental protection. The provision item I.3.3 has been imposed in order to clearly eliminate a significant adverse impact of the planned investment project on the 91F0 natural habitat of oak, elm, and ash floodplain forests (*Ficario-Ulmetum*), which are subject to protection within the Natura 2000 PLH080013 “Legi Slubickie” [“Slubice Floodplain Forests”] site of Community importance, located from the land side of the reinforced flood embankment. This solution is to ensure the sustainability of the groundwater migration process within the area of the natural habitat in question.

The obligation concerning the need to monitor the investment project, as defined in item II hereof, will be on the one hand a factor verifying the findings and conclusions made (within the files of the case) in relation to the areas protected under the Act of 16 April 2004 on nature conservation, and also in relation to the local populations of protected plant and animal species exposed to the impacts of the implementation of the planned project. On the other hand, it will be a significant controlling factor of the mitigating measures and actions taken in the context of the implementation of the project, as well as a decision-making element for taking additional mitigating actions and measures not provided for or not foreseeable at the stage of issuing the decision on environmental conditions, and adverse impacts arising from the implementation of the planned investment on the protected areas and species of plants and animals protected by law.

Consequently, given the type, nature, and scale of the planned investment project and its location, the possibility of direct and/or indirect impact of the planned investment on the protected subject-matters of Natura 2000 areas in question has been clearly eliminated. It has been concluded that the planned investment project will not result in long-term decline in the number and/or population density of bird species for which the special protection area Natura 2000 PLB080004 “Dolina Środkowej Odry” [“Central Valley of the Odra River”] has been established, decline in the range of the species, nor in a deterioration in the functioning of their populations (in particular by reducing their reproductive capacity, deterioration of genetic exchange, or increasing their death rate). The possible impacts causing significant physical degradation and transformation of the birds’ habitats areas, as well as impacts related to a possible decrease of their quality in the Natura 2000 areas in question, have also been eliminated.

Similarly, the possibility of significant adverse impacts of the planned investment project on the subject-matters species protected within Natura 2000 PLH080013 “Legi Slubickie” [“Slubice Floodplain Forests”] site of Community importance, has also been eliminated, by concluding that the planned project will not adversely affect the protection of the natural habitats and species and their habitats, in particular, it will not result in their physical degradation (reduction in area) to the extent deemed as significant from the perspective of the protection assumptions regarding the abovementioned area, and will not change the basic

ecological conditions (water and trophic) of the protected natural habitats and ecological processes occurring in the area in question, such as periodic flooding of the floodplain forest areas (including their frequency and duration) and the mud-creation processes.

To sum up, a clear elimination of reasonable doubts as to the possibility of a significant adverse impact of the planned investment project on Natura 2000 areas in question, allows for granting a permit for the implementation of the planned investment, in accordance with Article 33 para. 1 of the Act of 16 April 2004 on nature conservation.

On the section of the embankment extending between 585.5 km and 588.0 km of the Odra River, the planned investment project is located within the “Łęgi koło Ślubic” [“Floodplain Forests near Slubice”] wildlife park, established by the Regulation of the Head of the Lubuskie Voivodeship No. 11 of 23 April 2003 on establishing wildlife parks (J.L. of the Lubuskie Voivodeship No. 25 of 30 April 2003, item 496), Ordinance No. 22/2010 of the Regional Director of Environmental Protection in Gorzów Wielkopolski of 08 September 2010 (J.L. of the Lubuskie Voivodeship No. 91, item 1311 of 21 September 2010) within which special rules specified by prohibitions resulting from the provision of Article 15 para. 1 items 1-27 of the Act of 16 April 2004 on nature conservation apply.

However, given that the underlying assumption of the planned investment project is taking action to reduce the risk of flooding by improving the technical condition of the existing flood protection facilities and building new embankments of Ślubice and the surrounding areas, in order to ensure public safety in terms of reducing or completely eliminating the threat to the life or health of many people and property of high value against a natural disaster (flood), one must come to the conclusion that the planned project meets the condition referred to in Article 15 para. 2 item 3 of the Act of 16 April 2004 on nature conservation and, therefore, its implementation within the “Łęgi koło Ślubic” [“Floodplain Forests near Slubice”] wildlife park shall not be subject to prohibitions nor restrictions under the provisions of Article 15 para. 1 items 1-27 of the Act of 16 April 2004 on nature conservation.

The planned investment is also located within the protected landscape area of the Lubuskie Voivodeship “15 – Ślubicka Dolina Odry” [“15 – the Ślubice Valley of the Odra River”] established by the Regulation No. 3 of the Head of the Lubuskie Voivodeship of 17 February 2005 on protected landscape areas (J.L. of the Lubuskie Voivodeship of 2005, No. 9, item 172, as amended) within which a system of prohibitions and restrictions arising from § 4 of the aforementioned Regulation applies. Given that the planned investment project, pursuant to Article 6 para. 4 of the Act of 21 August 1997 on real property management (J.L. of 2010, No. 102, item 651, as amended), is an investment of a public utility nature, according to Article 24 para. 2 item 3 of the Act of 16 April 2004 on nature conservation, prohibitions and restrictions applicable in the area of protected landscape do not apply to the planned investment.

The planned investment project is not an establishment listed in Article 248 of the Act of 27 April 2001 – Environmental Protection Law (i.e. J.L. of 2008, No. 25, item 150, as amended), posing a threat of serious industrial accidents and failures. Therefore, this decision does not specify requirements to counteract their effects.

The project in question is also not an installation listed in Article 135 para. 1 of the abovementioned Act – Environmental Protection Law, thus, there are no legal grounds for determining an area of limited use.

The obligation set out in item II hereof, which is conducting environmental monitoring, has been imposed pursuant to Article 82 para. 1 item 2 point b) of the Act on sharing information about the environment and its protection, participation of the public in environmental protection, and environmental impact assessments.

The decision on environmental conditions for the planned investment project is necessary to obtain a decision on the permit for the implementation of the investment, within the meaning of the provisions of the Act of 08 July 2010 on special rules for the implementation of investments in the field of flood protection facilities, therefore, this decision in item III includes a position referred to in Article 82 para. 1 item 4 of the Act on sharing information about the environment and its protection, participation of the public in environmental protection, and environmental impact assessments, on the lack of need for carrying out an environmental impact assessment and initiating the procedure concerning the cross-border impact on the environment within the proceedings concerning the issuance of the decision referred to in Article 72 para. 1 item 18 of the abovementioned Act, because the data available at this stage on the scope of the undertaking is sufficient to assess its impact on the environment.

Acting in accordance with Article 77 para. 1 item 2 and in conjunction with Article 78 para. 1 item 2 of the Act on sharing information about the environment and its protection, public participation in environmental protection, and environmental impact assessments, prior to issuing this decision, the State District Sanitary Inspector in Slubice has been requested for his opinion, and, in his letter bearing the ref. no.: NZ-7721-6-8/11 of 12 September 2011, he issued a positive opinion on the provided solutions in terms of the implementation of the investment project and specified the conditions that have been taken into account in this decision.

Pursuant to Article 82 para. 3 of the abovementioned Act on sharing information about the environment and its protection, the description of the project constitutes an appendix to this decision (Appendix 1). Additionally, the location of the planned project has been presented on the map which also has been attached to the decision (Appendix 2).

In accordance with Article 10 § 1 of the Act – Code of Administrative Procedure, by an announcement of 03 October 2011, ref. no.: WOŚ-II.4233.12.2011.AN, the parties to the proceeding were informed that complete evidence in the case for issuing a decision on the environmental for the investment project in question has been collected and on their right to address the gathered evidence and materials within seven (7) days. The announcement has been posted on the notice board and on the website of the Regional Directorate of Environmental Protection in Gorzow Wielkopolski – www.gorzow.rdos.gov.pl (BIP), as well as on the notice board of the Municipal Office in Slubice. As a result of the abovementioned announcement, neither party became acquainted with the case files.

The assessment of the environmental impact of the project provides that the implementation and operation of the investment project, subject to meeting the conditions set out in the report on the environmental impact and the ones referred to in this decision, will not have a significantly adverse impact on the environment.

In view of the above and based on the provisions referred to hereinabove, the decision is as in the operative part hereof.

INSTRUCTION

The decision on the environmental conditions must be attached to the request for a decision referred to in Article 72 para. 1 of the Act on sharing information about the environment and its protection, participation of the public in environmental protection, and environmental impact assessments, within the time-limit specified in Article 72 para. 3 and 4. Relevant provisions on issuing a decision on environmental conditions shall apply to a change of the decision on the environmental conditions.

Information about the decision shall be disclosed in a publicly available list of data.

The parties have the right to appeal against this decision to the General Director of Environmental Protection in Warsaw, through the Regional Director of Environmental Protection in Gorzow Wielkopolski, within fourteen (14) days from the date of its delivery.

Regional Director of Environmental Protection
in Gorzów Wielkopolski
Jan Rydzanicz

This decision is final, because neither
party appealed against it within the
statutory time-limit to do so
Gorzów Wielkopolski, 07.12.2011

No stamp duty, in accordance with Article 7 para. 3 of the Act of 16 November 2006 on stamp duty (J.L. of 2006, No. 225, item 1635, as amended), has been collected for the issuance of this decision.

Cc:

1. Mr Paweł Rembarz
Lubuski Zarząd Melioracji i Urządze
Branch in Gorzow Wielkopolski
ul. Myśliborska 52, 66-413 Gorzow ' Head of the Environmental
Impact Assessment Department
Jarosław Kołodziejczak
2. Lubuskie Voivodeship
ul. Podgórna 7, 65-057 Zielona Góra;
3. Other parties – in accordance with Article 49 of the Code of Administrative Procedure;
4. A/a.

Attn:

1. State District Sanitary Inspector in Slubice;

**REGIONAL DIRECTOR OF
ENVIRONMENTAL PROTECTION
IN GORZÓW WIELKOPOLSKI**

**Appendix 1 to the Decision on the Environmental Conditions, ref. no.:
WOOS-II.4210.12.2011.AN of 28 October 2011**

DESCRIPTION OF THE INVESTMENT PROJECT

The investment project concerns the implementation of activities related to the ensuring flood protection of Slubice. The project will cover the existing flood embankment extending along the Odra River in the town of Slubice and the area of construction of the new flood embankment along the northern borders of Slubice. The project will be located in the municipality of Slubice, within the Swiecko, Slubice, Nowy Lubusz, and Drzecin areas.

The following have been designed as part of the project:

1. Reinforcement of the existing flood embankments of the Odra River from 582.5 km to 588.0 km of its course:

The reinforcement of the existing flood embankments concerns the embankments section between 26+000 km and 32+700 km and about 190 m of the so-called "private embankment" located between the 582.5 km and 588.0 km of the Odra River. The proposed solution is based on driving, from the water side of the embankments, a Larssen sheet pile (G-62 sheet piles) with a length of 13 m, topped with reinforced 1.2 x 0.8 m concrete cap. Due to the existing and anticipated land development, the following reinforcement according to the following types of sections is planned:

- TYPE I – the sheet piling will be driven at a distance of 5-7 m from the existing crest in the land side direction. The space between the sheet piling and the slope of the existing embankment will be filled with earth materials up to the height of the crest of the existing embankments.

The piling will be supported with an earth embankment with a slope of 1:2.5 from the side of the Odra River.

This type of reinforcing shall be provided at 26+000 – 30+070 km and over a distance of 300 m at 32+100 – 32+400 km along the floodplains forests,

- TYPE IA – the sheet piling with a length of 13 m will be driven in the crest of the embankment (the so-called "private embankment") on the water side and topped with a reinforced concrete cap. This solution is due to the fact that, in the immediate vicinity of the slope on the water side, there is a natural subsidence filled with water and growing trees. This type of embankment protection shall be provided at 32+400 – 32+700 km and at about 190 m of the so-called "private embankment", i.e. at a distance of 490 m.
- TYPE II – designed at a distance of 950 m between 31+150 – 32+100 km along the floodplain forests at the section where, in the vicinity of the water side slope, there are no trees and bushes, and the width of the inter-embankment area allows for broadening the embankment. A sheet piling is planned to be driven at the foot of the existing embankment, which will broaden the crest of the embankment by approx. 14 m toward the Odra River bank.

The space between the sheet piling and the slope of the existing embankment will be filled with earth materials up to the height of the crest of the existing embankments. The wall will be concealed with an earth embankment with a slope of 1:2.5 from the side of the inter-embankment area.

- TYPE III – at a distance of 730 m, between 30+070 – 30+800 km, where the flood embankment is directly adjacent to a dock basin and road bridge, the sheet piling, driven in the foot of existing embankment (i.e. at a distance of approx. 11-14 m from the existing crest of the embankment), will be partially exposed from the side of the Odra River, while maintaining a passage through the bank of the channel at the foot of the piling of a width of 2 m. In order to conceal the exposed part of the sheet piling, a covering of stone, laid on a layer of concrete, has been proposed.

The space between the sheet piling and the slope of the existing embankment will be filled with earth materials up to the height of the crest of the existing embankments.

- TYPE IV – above the dock basin, at the section between 30+800 and 31+150 km, a sheet piling will be driven at a distance of 14 m from the existing embankment crest in the direction of inter-embankment area. The construction and protection of the wall – as in type III. The embankment with a slope of 1:2.5 will be secured with a gabion mattress.

2. Construction of the new embankments protecting the town with its prospective development areas north of the existing flood embankment at 587.4 km to the upland of the Odra River valley in the vicinity of Drzecin (circular embankment):

The beginning of the new section of the embankment has been designed in the region of the 587.4 km of the Odra River, i.e. in the area of the 26+563 km of the Odra River embankment. The embankment route runs from the point of contact with the existing embankment of the Odra River north of the existing buildings to the roads between Slubice and Kostrzyn and continues along the road until the edge of the upland of the Odra River valley near Drzecin. The crest of the embankment is designed to be at the level of 23.30 m.

The cross-section of the embankment shall have the following geometrical parameters:

- crest width – 3.0 m,
- local broadenings of the crest in the area of the embankment culverts – 6.0 m,
- slope inclination: land side – 1: 2; water side – 1:2.5.

A clay and cement sealing with a height of 12-17 m will be made in the body of the embankment. The total length of the embankment shall be about 5.9 km.

3. Construction of the culvert at the location where the designed flood embankment collides with Czerwony Kanał [the Red Channel]:

A culvert will be constructed at the location where the embankment collides with the Red Channel, which under normal circumstances will transfer the waters of the Red Channel gravitationally. In the event of flooding of the Odra River valley below Slubice, the culvert will be closed with steel shutters mounted in the shutter chamber and the water will be pumped on the land side with mobile combustion pumps. The 3.5 x 6.5 m pumps will be located on the right bank of the channel – on the land side, and water will be drawn from a sump in the form of a reinforced concrete box. The shutter chamber shall have a form of a reinforced concrete tower with a height of 7.2 m in plan dimensions of 2.1 x 8.8 m. The culvert shall have a form of reinforced concrete closed double barrel frame with a width of 2 x 3.2 m and a height of 1.0 m and a length of about 35 m. Backflow shutters will be installed on the outlets of the culvert.

The bed of the Red Channel above the inlet head and below the outlet head will be secured with honeycomb panels with a length of 5 m.

4. Construction of the culvert at the location where the designed flood embankment collides with Długi Rów (Czarny Kanał) [the Long Ditch (the Black Channel)]:

A culvert will be constructed at the location where the embankment collides with the Long Ditch. Under normal conditions the culvert will carry water gravitationally. In the event of flooding of the Odra River valley below Slubice, the culvert will be closed with steel shutters mounted in the shutter chamber of 2.1 x 2.1 m in plan dimensions and the water will be pumped on the land side with mobile combustion pumps. Structurally, the culvert will take the form of a pipeline made of reinforced concrete pipes with a diameter of 1.0 m and a length of about 35 m. A pumping station will be constructed within the bounds of the Long Ditch (Black Channel). The bed of the Black Channel above the inlet head and below the outlet head will be secured with honeycomb panels with a length of 5 m.

5. Reconstruction of the Red Channel at a distance of about 765 m below the circular embankment and at a distance of about 1.3 km above the bridge on the road Slubice – Drzecin:

As part of the task in question, the reconstruction of the Red Channel at a section of approx. 2,065 m located between the geodetic points of the following coordinates will be carried out:

$x=5707729.24$; $y=3562831.26$

$x=5709685.74$; $y=3562944.22$

The following works are planned to be performed:

- silt removal from the bed of the channel for obtaining the desired longitudinal drop,
- local complementation of the damaged protections by means of placing honeycomb panels on the bottom and on the slopes,
- local complementation of the damaged slopes of the channel by their topsoiling and sowing grass.

6. Reconstruction of the Long Ditch (Black Channel) at a distance of approx. 4,156 m:

As part of the task in question, the reconstruction of the Long Ditch at a section of approx. 4,156 m located between the geodetic points of the following coordinates will be carried out:

$x=5705663.29$; $y=3560088.18$

$x=5709388.59$; $y=3560049.37$

Given the technical condition of the water facility, the performance of the following works has been scheduled:

- silt removal from the bed of the channel for obtaining the desired longitudinal drop,
- local complementation of the damaged protections by means of placing honeycomb panels on the bottom and on the slopes,
- local complementation of the damaged slopes of the channel by their topsoiling and sowing grass.

7. Reconstruction of the drainage ditches network with a total length of about 1.1 km:

In connection with the construction of the new embankment, it will be required to reconstruct the field drainage ditches network. The reconstruction will involve:

- filling up the sections of the ditches colliding with the built embankment,
- constructing culverts,
- reinforcing the bottom and the slopes of the ditches in places where the culverts are to be constructed.

8. Reconstruction of roads within the crosses through the embankments:

The construction of the embankment forces changes in the existing road network and the reconstruction of:

- the road between Slubice and Pławidło,
- the road between Slubice and Nowy Lubusz.

The reconstruction will consist of raising the elevation of the road in the intersection with the embankment by about 4 m.

In addition, eight (8) crosses through the embankment on local and agricultural roads will be made on the route of the embankment.

9. Reconstruction of overhead power lines of medium and low voltage in the area of their intersection with the route of the planned and modernised embankment and reconstruction of the low-voltage cable and signal lines colliding with the modernised embankment in the area of the bridge over the Odra River.
10. Reconstruction of the overhead telecommunication line in the area of its intersection with the route of the planned embankment and securing the telecommunication cable lines running through the modernised the embankment.
11. Construction of embankment culverts at locations where the planned embankment collides with the existing drainage ditches.

Embankment culverts made of reinforced concrete pipes with a diameter of 1 m will be made at the location where the designed circular embankment collides with the existing drainage and forest ditches. In the event of flooding of the Odra River valley below Slubice, the culverts will be closed by steel shutters placed in reinforced concrete chambers with a height of 4.9-5.8 m and plan dimensions of 2.1 x 2.1 m.

In total, 5 pcs. of the embankment culverts on drainage ditches are to be constructed. The beds of the drainage and forest ditches above the inlet head and below the outlet head will be secured with honeycomb panels at a length of 3 m.

Appendix to the Decision on the Environmental Conditions, Ref. No.: WOOŚ-II.4233.12.2011.AN of 28 October 2011

This decision is final, because neither party appealed against it within the statutory time-limit to do so
Gorzów Wielkopolski, 07.12.2011

Head of the Environmental
Impact Assessment Department
Jarosław Kołodziejczak

Regional Director of Environmental
Protection
in Gorzów Wielkopolski

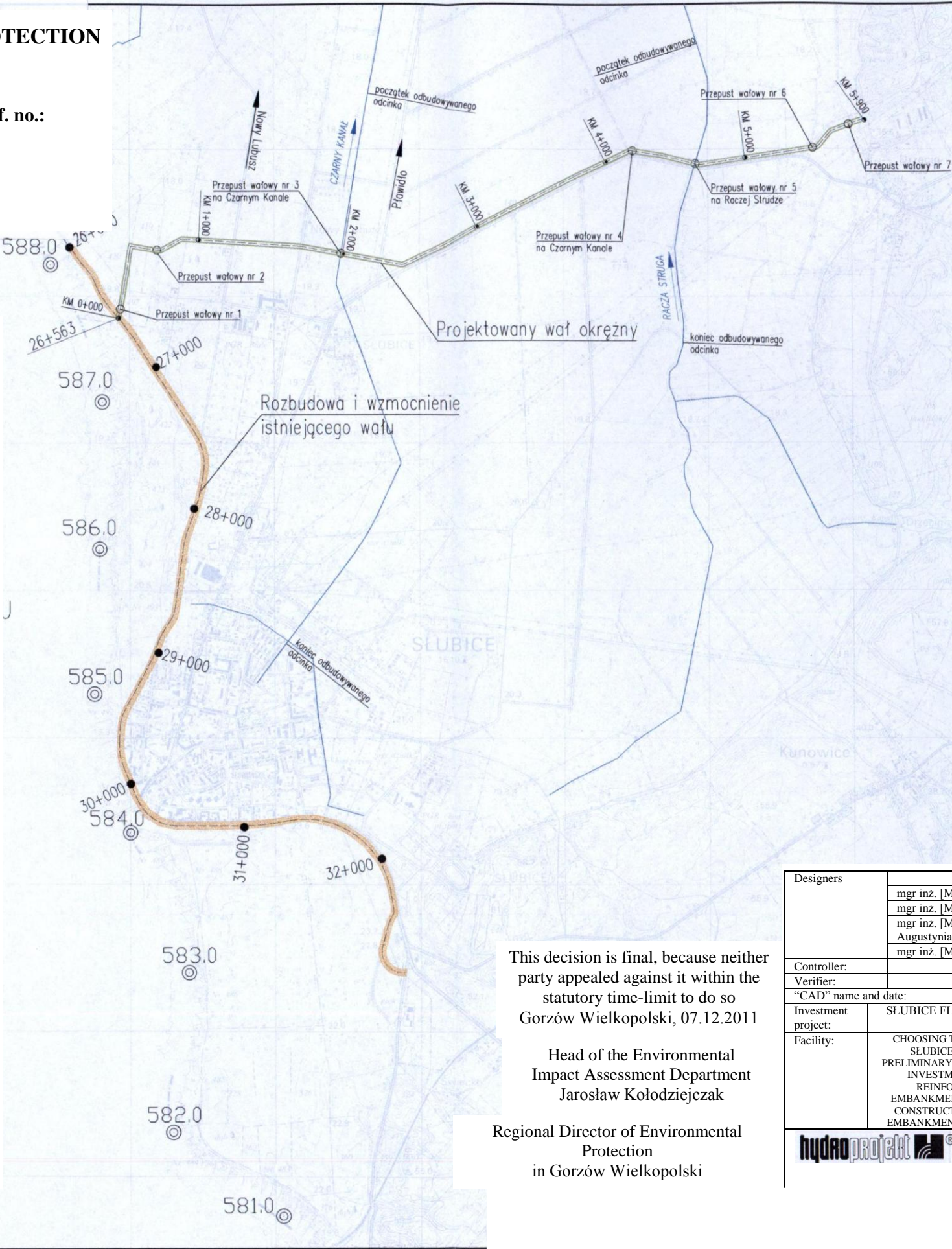
REGIONAL DIRECTOR OF ENVIRONMENTAL PROTECTION
IN GORZÓW WIELKOPOLSKI

Appendix 2 to the Decision on the Environmental Constraints, ref. no.:
WOOS-II.4210.12.2011.AN of 28 October 2011

GRAPHIC SYMBOLS LEGEND	
	MILEAGE OF THE ODRA RIVER
	CHAINAGE OF THE EXISTING EMBANKMENT AT THE ŚLUBICE-KOSTRZYN SECTION
	CHAINAGE OF THE DESIGNED EMBANKMENTS
DEVELOPMENT AND REINFORCEMENT OF THE EXISTING EMBANKMENT	
	L = 6,890 running metres
DESIGNED CIRCULAR EMBANKMENT	
	L = 5,900 running metres

Legend:

Polish	English
koniec odbudowywanego odcinka	the end of the section to be reconstructed
Rozbudowa i wzmocnienie istniejącego wału	Development and reinforcement of the existing embankment
Przepust wałowy nr 1	Embankment culvert no. 1
Przepust wałowy nr 2	Embankment culvert no. 2
Przepust wałowy nr 3 na Czarnym Kanale	Embankment culvert no. 3 on the Black Channel
Projektowany wał okrężny	Designed circular embankment
początek odbudowywanego odcinka	the beginning of the section to be reconstructed
Przepust wałowy nr 4 na Czarnym Kanale	Embankment culvert no. 4 on the Black Channel
Przepust wałowy nr 5 na Raczej Strudze	Embankment culvert no. 5 on Racza Struga
Przepust wałowy nr 6	Embankment culvert no. 6
Przepust wałowy nr 7	Embankment culvert no. 7



This decision is final, because neither party appealed against it within the statutory time-limit to do so
Gorzów Wielkopolski, 07.12.2011

Head of the Environmental
Impact Assessment Department
Jarosław Kołodziejczak

Regional Director of Environmental
Protection
in Gorzów Wielkopolski

Designers	Full name:	Signature:	Specialisation:	Licence No.	Date:
	mgr inż. [M.Sc. Eng.] Jerzy Matuszewski		hydro-techn.	St 167/80	12.2004
	mgr inż. [M.Sc. Eng.] Anna Wierciak		design.-eng.	324/90	12.2004
	mgr inż. [M.Sc. Eng.] Paweł Augustyniak				12.2004
	mgr inż. [M.Sc. Eng.] Jacek Marczewski		design.-eng.	St-49/75	12.2004
Controller:					
Verifier:					
"CAD" name and date:					
Investment project:	ŚLUBICE FLOOD PROTECTION PROGRAMME AND SPATIAL CONCEPT WITH A FEASIBILITY STUDY OF THE PLANNED INVESTMENT				
Facility:	CHOOSING THE OPTIMAL VARIANT OF ŚLUBICE FLOOD PROTECTION – PRELIMINARY FEASIBILITY STUDY OF THE INVESTMENT IN OPTION NO. III – REINFORCING THE EXISTING EMBANKMENTS OF ŚLUBICE WITH THE CONSTRUCTION OF A NEW CIRCULAR EMBANKMENT FROM NORTH-WEST SIDE	Drawing name:	REINFORCEMENT OF THE EXISTING EMBANKMENTS AND THE DESIGNED EMBANKMENT LAND SURVEY AND HEIGHT MAP		
		Stage: KPP	Archive No.: 21232-HS/04	Agreement No. 625/N	Drawing No.:
				Prel. item: V/1.1	Page No.: