

Ślubice, on 16 April 2015

**D E C I S I O N**  
on environmental conditions without conduct assessment  
of environmental impact

On the basis of Article 71, passage 2, item 2, Article 75, passage 1, item 4 and Article 84 and Article 85, passage 1 and 2, item 2 of the Act of 3 October 2008 on making available information on the environment and its protection, participation of the society in environmental protection, as well as on environmental impact assessments (Consolidated text: Journal of Laws of 2013, item 1235 with amendments), as well as § 3 passage 2, item 2 of the Regulation of the Council of Ministers dated 9 November 2010 on undertakings possible to significantly influence the environment (Journal of Laws of 2010 No. 213, item 1397 with amendments), in connection with Article 104 of the Act of 14 June 1960. Code of Administrative Procedure (Journal of Laws of 2013, item 267) of the investor Lubuski Administration for Melioration and Water Devices, Branch in Gorzów Wielkopolski located at ul. Mysliborska 52, on whose behalf it acts within the power of attorney Mr. Bartłomiej Szendoł, for a project involving the update of design documentation "Reconstruction of the Czarny Kanał and Racza Struga" in the scope of the investment task .: "Flood protection Ślubice" commune Ślubice, Lubuskie voivodship, acting on the basis of the following documents:

- 1) the project information card;
- 2) opinion, ref no.: WOOŚ-II.4240.73.2015.PK dated 18 March 2015 the Regional Director for Environmental Protection in Gorzów Wielkopolski;
- 3) opinion, ref no.: NZ 772-6-3/15 dated 24 March of the State County Sanitary Inspector in Ślubice

I hereby decide

1. the lack of the need to conduct assessment of the environmental impact of the investment project
2. I define the conditions for implementation of the project taking into consideration Article 63, passage 1 abovementioned Act
3. the characteristics of the investment project must constitute an appendix to the decision on environmental conditions.

**SUBSTANTIATION**

On 13 January 2015, Lubuski Administration of Land Improvement and Water Structures, Branch in Gorzów Wielkopolski, with registered office at ul. Myśluborska 52, on whose behalf it acts within the power of attorney Mr. Bartłomiej Szendoł, requesting the Mayor of Ślubice to carry out an environmental impact assessment of the project involving the update of design documentation "Reconstruction of the Czarny Kanał i Racza Struga" in the scope of the investment task .: "Flood protection of Ślubice" commune Ślubice, Lubuskie voivodship.

Investor proxy letter dated 11 March 2015, claimed an adjustment of investment plots.

Plots covered by the planned investment:

- precinct 1 Słubice: 115/11, 117/3, 118, 122/1, 123, 124, 182, 183, 189/18, 189/8, 189/9, 190, 191/3, 192/27, 192/9, 205/1, 205/5, 206, 207, 281/134, 281/147, 282, 283, 288/35, 85/1, 85/3, 86, 87/1, 87/3, 87/9, 88, 89/6, 93, 96, 97/45,
- precinct 2 Słubice: 1/1, 1/2, 1/3, 11, 12, 13, 2/16, 2/2, 2/21, 2/22, 2/23, 2/6, 2/7, 2/8, 2/9, 20, 24/2, 25, 29/2, 3, 31, 32, 33, 34, 35, 36/4, 36/6, 36/7, 5/11, 5/20, 5/22, 5/23, 5/24, 5/25, 5/26, 5/27, 5/28, 37,
- precinct 3 Nowy Lubusz: 179, 180/4, 186/1, 186/2, 187/1, 188/1, 188/3, 189, 194/1, 194/7, 194/8, 195/2, 196, 198/24, 198/27, 198/4, 199/6, 199/7, 199/8,
- precinct Drzecin: 175, 177, 180, 181, 193, 194, 207/1, 207/2, 208, 209, 210, 211/4, 211/5, 271/1, 271/2, 271/3, 308, 314, 315, 316, 319, 320, 331, 332, 356, 357, 366.

The following documents have been enclosed with the application:

- information card project - in accordance with Article 3, passage 1, item 5 of the Act of 3 October 2008 on making available information on the environment and its protection, participation of the society in environmental protection, as well as on environmental impact assessments (Journal of Laws No. 199, item 1227),
- map certified by the competent authority,
- extract from the land registry,
- power of attorney to represent the investor.

According to the Article 75, passage 1, item 4 of the Act on making available information on the environment and its protection, participation of the society in environmental protection, authority competent to conduct an administrative inquiry to issue a decision on the environmental conditions for the abovementioned project, is the Mayor of Słubice, which, in accordance with Article 61 § 1 of the Code of Administrative Procedure, on 13 January 2015, initiated proceedings in this case.

Authority initiated proceedings under both provisions of the Code of Administrative Procedure, as well as made public by posting the information in a publicly available list of data of the application in this case, thereby complying with the requirements contained in the Act of 3 October 2008. on making available information on the environment and its protection, participation of the society in environmental protection, as well as on environmental impact assessments.

Obtaining the environmental decision is required for the planned projects likely always have a significant impact on the environment or projects that could potentially have a significant impact on the environment.

Investment analysis, in accordance with § 3, passage 2, item 2, in conjunction of passage 1, item 67 of The Regulation of the Council of Ministers of 9 November 2010 on projects likely to have significant impact on the environment, is one of the projects that could potentially have a significant impact on the environment, for which the obligation to assess the environmental impact states, by order, the authority competent to a decision on the environmental conditions.

Planned projects likely to have significant impact on the environment, along with cases of changes made to the existing facilities, which will be classified as such projects, ultimately are listed in the relevant regulation of the Council of Ministers. Thus, the equivalent of the planned projects likely always have a significant impact on the environment will be projects likely to have significant impact on the environment, for which preparation of the report is mandatory, as listed in § 2 of the Regulation, while for planned projects that could potentially have a significant impact on the environment will be considered, projects likely to have significant impact on the environment for which preparation of the report was optional, as mentioned in § 3 of the Regulation (Art. 173 of the Act of 3 October 2008. on making available information on the environment and its protection, participation of the society in environmental protection, as well as on environmental impact assessments).

The obligation to carry out an environmental impact assessment concludes by order pursuant to Article 64, passage 1, item 1,2 of the Act of 3 October 2008 on making

available information on the environment and its protection, participation of the society in environmental protection as well as environmental impact assessments, the competent authority for issuance of the decision on environmental conditions of approval for the project after consultation with the Regional Director for Environmental Protection and the state district sanitary inspector.

The consulting authority submits:

- application for issuing the decision on environmental conditions;
- the project information card;
- Excerpt and a sketch from the local development plan, if the plan has been adopted, or information about his absence; this does not include an opinion on the obligation to assess the environmental impact for the public road for railway lines of national importance, for projects Euro 2012 and for projects requiring concessions for prospecting and exploration of mineral deposits.

Regional Director for Environmental Protection in Gorzów Wielkopolski, with letter dated 19 March 2015, ref. no.: WOOŚ-II.4240.73.2015.PK and the National District Sanitary Inspector in Slubice, with letter of 24 March 2015, ref. no.: NZ 772-6-3 / 15 issued an opinion that for this project, there is no need to carry out an environmental impact assessment.

Accordingly, after hearing the opinions of opinion-making authority and after a thorough examination of the proposal of Mayor of Slubice, in its order sign: IRO.6220.18.2014.AK of 31 March 2014, decided to waive the obligation to carry out an environmental impact assessment of the project involving the update of design documentation "Reconstruction of the Czarny Kanał i Racza Struga" in the scope of the investment task.: "Flood protection of Slubice" commune Slubice, Lubuskie voivodship.

When certifying the absence of the need to assess the environmental impact into account factors referred to in Article 63, passage 1 of the Act on making available information on the environment and its protection, participation of the society in environmental protection as well as environmental impact assessments.

The project will be located on plots, according to the records of land, which ditches and areas adjacent to it. For the parts of the project are the existing local spatial development plans.

Taking together the conditions relating to the eligibility of the project to carry out an environmental impact assessment referred to in Article 63 of the Act of 3 October 2008 on making available information on the environment and its protection, participation of the society in environmental protection, as well as on environmental impact assessments, 0 after examination of the proposal for a decision environmental conditions for the planned investment, project information sheet stated that it is not located in areas wetlands, coastal areas, water intake protection zone and the protective areas of inland water reservoirs, coastal areas, mountainous areas or forest areas on which environmental quality standards have been exceeded, areas of landscape having the historical, cultural or archaeological areas adjacent to lakes and conservation areas of the spa. The project is located beyond the areas of the main reservoir of underground waters. The project will run partly in the Protected Landscape Area „4 - Dolina Warty i Dolnej Noteci”. The project will begin in the buildings Słubice (Czarny Kanał), and will run in the farmland (Czarny Kanał, Rącza Struga). The implementation phase will involve minor impacts. There will be local temporary land take for facilities for building machines 1 storage of materials necessary for construction works. Existing public roads will be use as access roads. The preparatory work will be necessary to prepare the land and the removal of vegetation growing on, and removal of humus and turf layer from earthworks corridor. It will be necessary also felling of trees and shrubs located in the earthworks corridor. Hydraulic engineering works (including the alignment of the bottom of the channel, dredging, slope compensation) will be carried out using construction equipment, which will be the source of air pollutant emissions and noise. The work will be carried out over short distances of channel and only in periods of low water levels. The excavated earth masses will be developed in the project area. Not expected to rise hazardous waste.

Impacts associated with the construction phase will have a short-term nature and local level. They will cease after the completion of construction work.

Operating stage will not be associated with significant impacts. It will not generate noise, air pollution or waste. Regulating troughs channels, including their cross-section longitudinal and transverse will lower flow of flood waters.

Investments intends to do in the area of large-scale forms of nature protection Protected Landscape Area „4-Dolina Warty i Dolnej Noteci” established under Regulation No. 3 of the Governor Lubuskie dated 17 February 2005 on the protected landscape areas (Official Journal of Lubuskie Voivodship No. 9, pos. 172 of 2005 with amendments), within which applies a series of prohibitions, including the prohibition on "the implementation of projects that may significantly impact on the environment within the meaning of the Act of 3 October 2008 on making available information on the environment and its protection, participation of the society in environmental protection, as well as on environmental impact assessments".

According to Article 24, passage 2, item 3 of the Act on Nature Protection of 16 April 2004 (Journal of Laws of 2013, item 627, consolidated text) abovementioned prohibition" does not apply to the investment public purpose", which include the project in question.

Similarly, the prohibition "to make changes of water, if they serve other purposes than the conservation and rational management of water, or fishing" does not apply to this project as it relates to conduct a rational water management in the Odra River flood plain and flood the city Slubice.

A detailed analysis of the submitted documents, including the Information Card and natural Projects Database of Regional Directorate for Environmental Protection in Gorzow Wielkopolski and insightful trace the direct and indirect effects of the project, particularly aspects related to the location, scale, types, characteristics and determinants of its implementation, set out in Article 63, passage 1 of the Act on Providing Information on the environment and its protection, public participation in environmental protection and environmental impact assessments, taking into account the impact of cumulative with other projects leads to the conclusion that there is "a need to assess the impact on the Natura 2000", since it will not significantly adversely affect the maintenance of a favorable conservation status of objects of protection of Natura 2000 areas away from planned investments of approx. 0.6 km and 2.30 km.

According to the current state of knowledge concerning the extent of the potential impact of the planned project, you can conclude that it will not significantly adversely the scope and objectives of the protection of the Protected Landscape Area "4-Dolina Warty i Dolnej Noteci" and the area of Community importance for Wspólnoty Łęgi Słubickie PLH080013 and Area Special Protection of Birds Natura 2000, Dolina Środkowej Odry PLB080004 and on other protected species, including Herpetofauna and entomofauna, and thus will not significantly negative impact on the achievement of the objectives of the protection of these forms of nature.

It can be concluded that under the current state of knowledge of the potential impacts of the project, it will not contribute to the occurrence of a significant negative impact, preventing or impeding achievements / maintaining a favorable conservation status of objects of protection:

- Natura 2000 area, Central Odra River Valley, PLB080004,
- Natura 2000 area, Łęgi Słubickie PLH080013,
- Landscape protected area "4-Dolina Warty i Dolnej Noteci", his characteristic subject matter, including fauna, flora, cultural heritage and the landscape and its components, as well as their functions, mainly the ecological corridor,
- species protection, for the protection of which introduces a number of restrictions and conditions set out in Regulation of the Minister of the Environment of 6 October 2014. on the protection of animal species (Journal of Laws, Pos. 1348), the Regulation of the Minister of the Environment of 9 October 2014. on the protection of plant species (Journal of Laws, pos. 1409), the Regulation of the

Minister of the Environment of 9 October 2014. on the protection of species of fungi (Journal of Laws, Pos. 1408), as well as the Nature Conservation Act of 16 April 2004 among others in Article 2, passage 1, item 1.2, 3, passage 2, item 1, 2 and 6 and Article 46.

Given the scope of the planned investments will not affect the possibility of cumulative impacts. The project is not related to the use of natural resources or the occurrence of a serious industrial accident. Potential impacts will be local in scope and insignificant without the risk of cross-border interactions.

In summary, after hearing this proposal, the card information and detailed in tracking not only direct but also indirect effects of activities which would be included in the present draft, and after a careful analysis of the conditions of the planned investment in the present proposal, given the conditions laid down in Article 63, passage 1

of the Act on making available information on the environment and its protection, participation of the society in environmental protection, as well as environmental impact assessments, it was not possible significant negative impact of the project on the environment.

Given the above, it was decided as in the operative part of the decision.

## INSTRUCTION

According to the Article 72, passage 3 of the Act of 3 October 2008 on making available information on the environment and its protection, participation of the society in environmental protection as well as environmental impact assessments, decision on environmental conditions will be attached to the application for issuing a decision on land development conditions - issued on the basis of the Act of 27 March 2003 on planning and spatial development. This submission of the application should take place no later than before the end of four years from the date when the decision on environmental conditions became final.

Pursuant to Article 127 § 1 and 2, Article 129 § 1 and 2 of the Administrative Procedure Code in conjunction of Article 17, item 1 of the Administrative Code, since this decision may be appealed to the parties to the Local Government Appeals Court in Gorzów Wielkopolski, Through the Mayor Słubice, within 14 days of its receipt.

### Attachments:

1. The characteristics of the investment project must constitute an obligatory appendix to the decision on environmental conditions, according to the Article 84 of the Act of 3 October 2008 on making available information on the environment and its protection, participation of the society in environmental protection, as well as on environmental impact assessments (consolidated text Journal of Laws of 2013 item 1235).

### Received by:

1. Bartłomiej Szendoł,
2. ad acta

### CC:

1. Regional Directorate for Environmental Protection in Gorzów Wielkopolski.
2. State District Sanitary Inspectorate in Słubice
3. LUZMIUW, Branch in Gorzów Wlkp

Responsible contact person: Agata Kułaga. Clarifications can be obtained by telephoning 95 737 2034, Monday to Friday during office hours, i.e. from 8<sup>00</sup> to 16<sup>00</sup> or directly at the municipal office in Słubice, ul. Akademicka 1, Department of Investment, rural development and environmental protection - Room No. 204

## CHARACTERISTICS OF THE ENTIRE INVESTMENT PROJECT

*According to the requirements of Article 82, passage 3 of the Act of 3 October 2008 on making available information on the environment and its protection, participation of the society in environmental protection, as well as environmental impact assessments, project characteristics is annexed to decision No. IRO.6220.1.2015.AK on environmental conditions. Characteristics was based on data contained in the application for the issuance of an environmental decision, made by Lubuski Administration of Land Improvement and Water Structures Branch in Gorzów Wielkopolski located at ul. Mysliborska 52, on whose behalf acts within the framework of attorney Mr. Bartłomiej Szendoł.*

The planned project, despite the use of the term "reconstruction" should be regarded as rebuilding of the existing channels: Czarny Kanał (section 4065 m from km 4 + 612 to km 8 + 677) and Rączka Struga (section 2000 m from km 27 + 158 to km 29 + 158). The project aim is clearing the channels by forming longitudinal and transverse cross-section and the horizontal layout of riverbed. The base edges and bottom will be also strengthened. In the scope of investment is planned to:

- felling and grubbing of shrubs growing in the riverbed and on slopes,
- levelling the bed's bottom according to the drop levelled without extracting soil,
- deepening the bed's bottom to gain the designed drop, with extraction of the soil to the bank,
- the levelling the channel's slopes according to the designed inclination ranging from 1: 1,5 to 1: 2 using the excess soil to fill the unevenness on slopes or slope raising with fascine mattresses band,
- reinforcing the bed's slopes with sod panels and sowing a grass mix on humus, supporting the slope's base with a band of brushwood,
- strengthening of tributaries in the length of 5 m into the riverbed from their escape channels,
- strengthening of bottom slope of Rączka Struga channel with gabions in the approximation of the channel to existing fences and buildings.

During the implementation phase is planned to use several solutions to protect the natural environment, including by:

- adjustment of deadlines of execution works to periods of animals high activity, especially at the time of its reproduction,
- protection the area of the works during the seasonal migration of amphibians to prevent their entry into the dangerous area for them.
- securing intended to leave but exposed to damage trees and shrubs located directly in the neighbourhood and vicinity of the works.