

Gorzów Wielkopolski, February 3rd, 2015

Regional Director
for Environmental Protection
in Gorzów Wielkopolski

WOOŚ-II.4233.11.2014.NC

DECISION
ON THE ENVIRONMENTAL CONDITIONS

The Regional Director for Environmental Protection in Gorzów Wielkopolski, acting on the basis of Article 71 Par. 2 Subpar. 2, Article 75 Par. 1 Subpar. 1 letter i) and 84 and Article 85 Par. 1 and Par. 2 Subpar. 2 of the Act of 3 October 2008 on providing information on the environment and its protection, public participation in environmental protection and environmental impact assessments (Journal of Laws of 2013.1235 as amended) in connection with Article 104 of the Act of 14 June 1960 – Administrative Procedure Code (Journal of Laws of 2012.267 as amended), after considering the application for issuance of decision on the environmental conditions, submitted on November 7th, 2014 (received by the present authority on November 12th, 2014 and subsequently supplemented on December 19th, 2014) by Mr. Tadeusz Kowalewski, employed in Biuro Projektów Inżynierii Środowiska i Melioracji “Ekoprojekt” Sp. z o.o., being a legal representative of the investor – the Marshal of the Lubuskie Province acting on behalf and in favour of the State Treasury and performing government administration tasks,

acting basing on:

- Project Information Card for undertaking entitled: “Wężyska – Chlebowo – construction of the left bank flood embankment of Odra river, municipalities Maszewo, Gubin, Krosno Odrzańskie” prepared in Zielona Góra in November 2014 by Mr. Tadeusz Kowalewski,
- Supplementation to Project Information Card prepared in Zielona Góra in December 2014 by Mr. Tadeusz Kowalewski and Mrs. Teresa Gruszewska,

finds

**that it is unnecessary to carry out an environmental impact assessment for the
undertaking entitled:**

**“Wężyska – Chlebowo – construction of the left bank flood embankment of Odra river,
municipalities Maszewo, Gubin, Krosno Odrzańskie”**

implemented by:

Marshal of the Lubuskie Province
acting on behalf and in favour of the State Treasury and performing government
administration tasks
Podgórna St. 7
65-057 Zielona Góra

Characteristics of the undertaking, which specifies environmental conditions for implementation of the undertaking, is Appendix No 1 to this decision of environmental conditions and constitutes an integral part hereof.

GROUNDNS

On the 7th of November 2014, Mr. Tadeusz Kowalewski, employed in Biuro Projektów Inżynierii Środowiska i Melioracji "Ekoprojekt" Sp. z o.o., being a legal representative of the investor – Marshal of the Lubuskie Province acting on behalf and in favour of the State Treasury and performing government administration tasks, submitted an application to the Regional Director for Environmental Protection in Gorzów Wielkopolski for issuance of decision of environmental conditions for the undertaking entitled: "Wężyska – Chlebowo – construction of the left bank flood embankment of Odra river, municipalities Maszewo, Gubin, Krosno Odrzańskie". The applicant enclosed the following documents to the application for issuance of a/m decision:

- Project Information Card along with its electronic version;
- power of attorney to act on behalf of the investor;
- excerpts from the land register;
- reconnaissance map;
- copies of registration maps.

As it results from the documents enclosed to the application, the planned undertaking shall comprise the following works:

- construction of a new embankment, approx. 5.5 km long, at chainage km 527.4 ÷ 532.2 of Odra river with functionally connected structures, i.e. exits, embankment crossings and demarking of technical and protective lane of the embankment (on both sides of the embankment),
- partial demolition of the existing embankment approx. 3.7 km long at Odra river's chainage km 528.15 ÷ 529.8 and 530.5 ÷ 532.15, the function of which shall be taken over by the new embankment;
- expansion of a section of the existing embankment from the opposite side to the river, at chainage km 526.9 ÷ 527.4 of Odra river over a length of approx. 0.4 km, using the soil coming from demolished existing embankment;
- expansion of a section of the provincial road No 138 Gubin – Połęczko over a length of approx. 0.35 km, within the crossing with the designed embankment of Odra river;
- reconstruction of an overhead high voltage power line WN-110 kV GPZ Dychów – GPZ Cybinka to standards values, between station No 39 and No 40 within its crossing with the new embankment;
- expansion of the existing municipal road 003407F (on plot 210/4 in Połęczko precinct) and municipal internal roads on plots No 682, Czarnowo precinct and plot No 570 in Połęczko precinct), located on the downstream side of the new embankment, of a total length approx. 3 km,

- expansion of the existing municipal internal road on approx. 0.47 km section (on plot No 671 in Chlebowo precinct) and construction of an embankment's technical road approx. 0.24 km long (on the downstream side of the embankment), being an extension of the aforementioned municipal internal road,
- construction of ditches by the embankment and by roads of total length approx. 5.8 km, with culverts;
- reconstruction of existing melioration facilities of the drainage system for the embanked area, ensuring drainage of waters from the embanked area after passing of Odra freshet, consisting in:
 - constructing ditches with structures over a length of approx. 0.13 km,
 - liquidating, by sections, the existing ditches with structures, which are located under the body of designed embankment and in the strip which directly adheres to it and in the formed embanked area, of total area approx. 5.3 km,
- change (lifting) of landscape on the landside of the embankment.
Soil coming from demolished existing embankment shall be used for lifting the terrain on plots No 496/1, 497/1 and 685 within the Czarnowo precinct and shall be temporarily stored on surface area of approx. 2.2 ha, on plot No 36/13 in the Chlebowo precinct.

The purpose of the investment project is improvement of flood protection level in the left-bank valley of the Odra river within the area of Wężyska and Chlebowo in municipalities: Maszewo, Gubin, and Krosno Odrzańskie. The investment project area (approx. 95.5 ha) is located in Czarnowo precinct, Krosno Odrzańskie municipality, Połęcko precinct, Maszewo municipality and Chlebowo precinct, municipality Gubin.

The undertaking in question, pursuant to §3 Par. 1 Subpar. 65 of the Regulation of the Council of Ministers of November 9th, 2010 on projects likely to have significant effects on the environment (Journal of Laws of 2010, No 213, item 1397 as amended) is an undertaking that might have a potential significant impact on the environment, the implementation of which requires obtainment of a decision on environmental conditions.

Pursuant to Article 71 Par. 2 Subpar. 2 of the Act of 3rd October 2008 on providing information on the environment and its protection, public participation in environmental protection and environmental impact assessments (Journal of Laws of 2013, item 1235 as amended, hereinafter referred to as the EIA Act), in case of planned undertakings which might have a potential significant impact on the environment, it is necessary to obtain decision on environmental conditions before obtainment of the decisions, referred to in Article 72 Par. 1 or before submitting the application, referred to in Article 72 Par. 1a of the EIA Act. In case of this undertaking, the decision on investment project implementation permit, within the meaning of the Act of 8 July 2010 on special rules concerning the preparation of investments related to flood defences (Journal of laws of 2010, No 143, item 963 as amended) shall be the said decision.

Basing on Article 80 Par. 2 of the EIA Act, determining the conformity of the undertaking location with the arrangements of the local spatial development plan was departed, since such a determination does not refer to the decision on environmental conditions issued for an investment related to flood defences, like the planned investment.

Pursuant to Article 75 Par. 1 Subpar. 1 letter i) of the EIA Act, the authority competent to issue decisions on environmental conditions for such an undertaking is the Regional Director for Environmental Protection in Gorzów Wielkopolski.

The application that was submitted for consideration meets the formal requirements arising from the EIA Act and with this respect – pursuant to Article 61 §4 of the Act – Administrative procedure code, administrative proceedings were instituted in the case at hand, of which the parties to the proceedings were informed by Announcement of November 18th, 2014, ref.: WOOŚ-II.4233.11.2014.NC, which was displayed in the seat of the Regional Directorate for Environmental Protection in Gorzów Wielkopolski and in the seats of: the City Hall of Krosno Odrzańskie, the Municipality Office of Maszewo and the Municipality Office of Gubin, and also it was posted on the website www.gorzow.rdos.gov.pl. Due to the fact that the number of parties to these proceedings is more than 20, pursuant to Article 74 Par. 3 of the EIA Act the provisions of Article 49 of the Administrative procedure code were applied for the purpose of service.

In addition, the information about the application for issuance of the decision on environmental conditions for the undertaking in question was entered in publicly available data list, kept on the basis of Article 21 Par. 1 of the EIA Act under number 1217/2014, same as the information about the Project Information Card that was submitted together with the application – under number 1218/2014.

Simultaneously, the present authority, acting in accordance with the requirements set forth in Article 17 Par. 3 of a/m Act on special rules concerning implementation of investments, by the letter of November 18th, 2014 ref.: WOOŚ-II.4233.11.2014.NC informed the General Director for Environmental Protection about the receipt of the application for issuance of decision on environmental conditions for the planned undertaking.

Due to the fact that the submitted Project Information Card did not meet the requirements set forth in Article 3 Par. 1 Subpar. 5 of the EIA Act, the General Director for Environmental Protection in Gorzów Wielkopolski, by the letter of November 25th, 2014, ref.: WOOŚ-II.4233.11.2014.NC, called to supplement it. The applicant, by the letter of December 17th, 2014 (received by the present authority on December 19th, 2014) supplemented the Project Information Card (hereinafter referred to as the ISU).

The submitted Project Information Card along with later supplementations meets the formal requirements set forth in Article 3 Par. 1 Subpar. 5 of the EIA Act. The information about the receipt of supplementation to the ISU was entered in publicly available data list, kept on the basis of Article 21 Par. 1 of the EIA Act under number 1299/2014.

Pursuant to Article 59 Par. 1 Subpar. 2 of above-cited EIA Act, in order to implement an undertaking which might have a potential significant impact on the environment it is necessary to carry out an environmental impact assessment, if such an obligation was stated on the basis of Article 63 Par. 1 of the EIA Act. The above provision determines the criteria which should be taken into account in the process of examining the need to carry out an environmental impact assessment.

The collected documentation contained analyses and determined impacts and potential environmental hazards related to implementation and exploitation of the undertaking. The nature-related data presented in the submitted documentation were found satisfactory, because:

- they contain description of the undertaking with characteristics of works on particular sections of its location;
- they contain characteristics of nature protection forms, within which the undertaking is planned to be implemented and which are located in the vicinity, and the analysis of applicable protection principles;
- they contain description of natural habitats and species habitat being the subjects of protection in Natura 2000 sites, identified within the area of impact of the undertaking and the assessment of their protection status; they present an environmental valorisation of described elements; they present issues also in graphical form;
- they contain description of species protected under the Act on nature conservation, identified within the area on which the undertaking shall be implemented and within its impact area; they present an environmental valorisation of described elements; they present issues also in graphical form;
- they contain description on risks for demonstrated elements of the nature resulting from implementation of the undertaking, they also indicate the directions of transformations which might occur if the planned works were not performed;
- they present description of rational variants of implementation of the undertaking, they indicate the variant that is the most beneficial one for the environment, as proposed by the investor;
- they foresee the level of impact of the planned undertaking in analysed variants, during its implementation and exploitation, on natural habitats, species habitats and on protected species;
- they propose actions to prevent and reduce adverse impact of selected variant of the undertaking on natural environment, in particular on the objectives and subjects of Natura 2000 areas of conservation;
- they contain description of methods applied when carrying out environmental research and the list of literature sources.

On the basis of the whole collected evidentiary material, it was determined as follows:

The investment project in question is located within the Body of Surface Water (BSW) named: "Odra od Czarnej Strugi do Nysy Łużyckiej" [*Odra from Czarna Struga to Nysa Łużycka*] and code PLRW6000211739. According to the Odra River Basin District Management Plan (ORBMP), it was established as a strongly diverted body of water of poor condition, threatened with the risk of failing to achieve the environmental objectives of the Water Framework Directive (WFD). However, due to the impact of anthropogenic activities on the BSW condition – functions of the BSW, the basin management method – time derogations were determined for it 4(4)-3 – a time lag for achievement of the environmental objectives arising from the WFD.

The subjects of assessment in the BSW, within the boundaries of which the planned undertaking shall be implemented, are biological elements (phytoplankton, macrophytes, demersal macroinvertebrates and fishes), physical and chemical elements, hydromorphological elements and chemical status. Potential factors of impact of the undertaking, i.e. direct destruction or depletion of natural habitats or species habitats, elimination or disturbance of impact of the key factors shaping the character of natural habitats or species habitats within floodplains leading to their complete destruction, impact on the level of ground waters before and behind the embankment, adverse impact of works connected with renovation and maintenance of embankments during breeding season, do not refer to the river bed and the flowing water ecosystem. Therefore, they do not affect any of the water quality elements being the subjects of monitoring research. Also in connection with moving away the embankments from the river bed, and thus large distance of works performance, the investment shall not have any impact on assessed elements: biological, physical and chemical, hydromorphological and on the chemical status of river waters.

Construction of embankments shall not change natural dynamics of flows and shall not affect the formation of river bed morphology (it shall not be connected with the river bed regulation). The accompanying works carried out at the implementation stage of the planned undertaking, such as: the construction of technical and access roads, the reconstruction of melioration facilities and ditches used for drainage of embanked area, or the change of landscaping on embanked area, may cause short-term deterioration of the river's physical and chemical conditions (concentration of overall suspension), which may affect the habitat conditions for macrophytes and benthic macroinvertebrates. Nevertheless, after completion of the planned undertaking it shall be possible to reduce the inflow of area impurities to the river, and thus to improve water quality. In the phase of embankments use, no contaminating substances or energy shall be emitted and due to this fact the water quality shall not be threatened.

Applied technical solutions, character of the investment and its location in relation to the aforementioned BSW are the factors which shall not prevent the achievement of the environmental objectives set out in the Odra River Basin Water Management Plan.

The planned undertaking is located within the Body of Ground Water BGW No 68 of code PLGW600068, which is characterised by good quantitative condition and good chemical status of water, and due to this fact an overall assessment of its condition is good. BGW No 68 is intended for water uptake for the purposes of providing the population with water for consumption. It is threatened with failure to achieve environmental objectives. Taking into account the impact of the planned investment on the aforementioned body of ground water, it was determined that the undertaking in question was not related at all to the uptake or change of ground water feeding and no factor was identified which could have an impact on deterioration of ground water condition. While carrying out construction works, it is likely that substances such as fuel or oil may spill for a short period of time, however the scale and range of such spills shall be minor and shall not result in contamination of ground water, and all risks of this type shall be immediately liquidated by the contractor. While carrying out construction works it is also possible that the existing water conditions shall be temporarily violated but such an impact shall be short-term and shall cease upon completion of works connected with construction of the embankment.

To summarise, the construction of left bank embankment of Odra river shall introduce beneficial adaptations as regards transferring of flood water in connection with enlargement of floodplain within the embanked area. Enlargement of the floodplain shall also improve the habitat conditions in the Odra river valley.

As it follows from the foregoing, implementation of the undertaking shall not cause significant and adverse impacts on water protection environmental objectives determined in the Odra River Basin District Management Plan.

Functioning of the existing embankment and the one after the modernisation may have a slight impact on the change of local microclimate by small disturbances in the flow of air mass in the river valley occasioned by the fact of raising the crest of the embankment slightly above the valley bottom. For that reason the impact of the planned investment on the climate can be defined as minor and unnoticeable and in the final assessment the effects of implementing the undertaking and its functioning with regard to the climate shall be neutral. Whereas, as regards the impact of the climate on the planned undertaking – in the context of forecasted increased precipitation and increased number of meteorological activities of catastrophic nature – heavy freshets or floods – the planned undertaking shall contribute to mitigation of the impact of unfavourable climatic changes on both people and their property, and also on the majority of species and natural habitats.

The submitted documentation contains an analysis of the so-called variant zero, according to which in case of resignation from any activities there will be no adverse impacts on natural environment of adjacent lands. However, if no actions are taken, there may occur adverse effects for the population living on the 4150 ha terrain, which this embankment is to protect against the effects of flood freshets. Technical state of the embankment does not guarantee safety in case of occurrence of flood freshets and resigning from taking actions to restore and expand the embankment shall occasion further deterioration of its technical state.

The submitted documentation contains an analysis of two variants for implementation of the investment, from which the investor chose for implementation variant I. Whilst variant II provides for the reconstruction of existing embankment, adapting it to the required building standards with the observance of the present route. However, implementation of variant II would result in destruction of approx. 1500-1600 pieces of trees, approx. 75 thousand m² of shrubs, approx. 2.6 ha forest lands from the downstream side of the embankment and approx. 1.9 ha of riparian forests. Taking into account the above, variant I was accepted for implementation. This variant is most favourable for the environment, since it is both technically and economically justified, and additionally it does not cause any infringement of environmental quality standards.

The planned investment is entirely located on terrains protected under the regulations of the Act of 16 April 2004 on nature conservation (Journal of Laws of 2013, item 627 as amended), i.e.:

- the Birds Special Area of Conservation PLB080004 “Dolina Środkowej Odry” [*Middle Odra Valley*],
- the designed area which is important for the Community PLH080028 “Krośnieńska Dolina Odry” [*Odra Valley near Krosno*] – area proposed for coverage by protection under the Habitat Directive (SAC),
- Krzesiński Park Krajobrazowy [*Krzesin Landscape Park*]

Construction works related to the modernisation of embankments and partial construction of new sections shall have a direct or indirect impact on aforementioned Natura 2000 sites, however in limited scope on the subjects of conservation of those sites. As it follows from the analysis carried out on the basis of submitted documentation, with respect to the scope of works, the existing state and designed protection of the environment, the constructed, expanded and partially demolished embankment of the Odra river shall not have an adverse impact on the subjects and objectives of conservation of Natura 2000 sites, i.e.: species and natural habitat, preservation of its internal integrity and cohesion of the whole Natura 2000 ecological network.

Other disturbances resulting from implementation stage shall consist mainly in: the emission of pollutants to the air and the emission of noise by working construction machines, plant and equipment, transport supplying materials to the construction site and performing intended building works. Nevertheless, the above disturbances shall be temporary and shall be eliminated after commissioning of the embankment. This impact can be defined as minor, short-term and local.

Analysis of the Project Information Card along with supplementations to the extent of Article 63 Par. 1 of the EIA Act i.e. as regards location, scale of planned works, variants, foreseen minimising activities and possible impact, including in particular taking into account:

- construction of a new embankment,
- partial demolition of the existing embankment,

- expansion of the existing embankment section from the downstream side,
- expansion of the provincial road 138 section,
- reconstruction of the overhead high-voltage power line WN-110 kV,
- expansion of existing municipal roads,
- construction of an embankment and road ditches,
- reconstruction of existing melioration facilities of embanked area's drainage system
- change (elevation) of landscaping on embanked area,

allowed for departing from carrying out an environmental impact assessment of the planned investment.

The description contained in submitted Project Information Card along with supplementation thereto indicates that:

1. type and characteristics of the undertaking as regards scale, size of acquired terrain, connections with other undertakings, in particular cumulating of impacts, is satisfactory and allows the departure from the need to carry out an environmental impact assessment;
2. scale and type of possible impact of the undertaking on the natural habitats and species described in the Project Information Card, and also on the forms of nature conservation, including Natura 2000 sites, allows departing from the need to carry out an environmental impact assessment;
3. land use conditions in the implementation and exploitation or usage phase of the undertaking, with particular focus on the need to protect valuable natural values, as well as the requirements regarding the protection of natural environment which have to be considered in the documentation required for issuance of the decisions, referred to in Article 72 of the EIA Act, in particular regarding: the protection of riparian natural habitats, a pond situated in the eastern edge of the planned investment area, birds, bats, dusky large blue *Maculinea nausithous* and scarce large blue *Maculinea telejus*, the old, imposing pedunculate oak *Quercus robur*, are satisfactory and with the observance thereof the undertaking shall not have a significant adverse impact on natural environment.

Therefore, with regard to the foregoing, it should be assumed that in accordance with the description in ISU, the undertaking in question, implemented in preferred variant I, shall not have a significant adverse impact on natural environment, in particular on protected species and forms of nature conservation including Natura 2000 sites.

The lack of significant adverse impact shall be ensured with the application of the following activities:

1. access roads and storage yards shall be located outside of habitats of riparian forests and away from water reservoirs; locations in the said areas shall be accepted only to necessary extent;
2. clearance of trees and shrubs shall be carried out outside the nesting season, i.e.

beyond the period from April 15 to July 15;

3. clearance of trees and shrubs shall be carried out with the application of such technologies of execution which shall maximally reduce the possibility to damage those trees and shrubs which are not intended for clearance and which grow within the works performance area or in immediate vicinity thereof; tree trunks shall be properly protected and the colliding limbs shall be properly cut; no cement, aggregate, oil, fuel and binder shall be stored within the zone of 10 m from a tree trunk; the best period for performance of earthworks are months from October to April; removal of trees and shrubs from May to September shall be accepted only under supervision of experts: ornithologist and chiropterologist;
4. clearance of trees and shrubs shall be maximally limited, especially in riparian habitats (riparian forests of willow *Salicetum albae* – within the Odra's embanked area, riparian forests of alder and ash trees *Fraxino-Alnetum* – 206a, 208a, 210a, 211a and riparian forests of oak, elm and ash trees *Ficario-Ulmetum* – 207a, 206c);
5. in place of the foreseen destruction (removal) of old common oaks inv. No 1 and 5, which are of great size and natural value, min. 30 pieces of common oaks shall be planted per every single removed tree with a trunk perimeter of min. 15 cm, in areas agreed with the Gubin Forestry and the new trees shall be maintained for the period of min. 3 years;
6. demarked fragments of the old embankment shall be demolished outside the nesting season, i.e. beyond the period from 15 April to 15 July; in addition, demolition of embankments on the section from km 530.5 to km 531.5 shall be commenced after August 31st, with regard to the distribution and life cycle of dusky large blue *Maculinea nausithous* and scarce large blue *Maculinea telejus* living there;
7. in order to compensate the loss of potential habitats of bats in consequence of removing great amount of trees, boxes for bats shall be planned and properly arranged in areas agreed with the Gubin Forestry, on the outskirts of pine monocultures, at the border with open terrains, at least 200 m away from the embankment edge; the boxes shall be hung in groups of 10-20 every 50-120 m; the boxes shall be hung during the period from October to March;
8. the new power lines, which are to be laid higher and run over the embankment, shall be marked in a way ensuring its visibility in order to reduce the risk of collision with the birds flying by;
9. it is necessary to preserve as long and possible fragment of embankments west of the ferry crossing in Połęcko, not colliding with requirements of the undertaking;
10. backfilling of specified areas with earth material coming from the demolition of existing embankments shall take place outside the nesting season, i.e. beyond the period from April 15 to July 15;
11. the planned liquidation of the pond situated in the eastern edge of the planned

investment area, next to the downstream side of the existing embankment, shall be carried out by gradual backfilling with earth material during the period from September 1st to September 30th.

With regard to the foregoing, it can be stated that in the situation in question it is not necessary to carry out an assessment of impact of the planned investment on natural environment.

The planned undertaking is not one of the plants listed posing a threat of serious industrial failure within the meaning of Article 248 of the Act of 27 April 2001 – Environmental protection law and it is not included in the list of installations defined in Article 135 Par. 1 of a/m EIA Act, for which areas of limited use can be established.

On the basis of submitted documents, the authority assumed that the undertaking would not be the source of significant cross-border impact on the environment coming from the Republic of Poland due to its exclusive local character.

Taking into account the foregoing, the obligation to carry out an environmental impact assessment was departed by the decision of January 7th, 2015 ref.: WOOŚ-II.4233.11.2014.NC. The parties to the proceedings were informed about delivery of the aforementioned decision by Announcement of January 7th, 2015, ref.: WOOŚ-II.4233.11.2014.NC. The Announcement was displayed in the notice board in the seat of the Regional Directorate for Environmental Protection in Gorzów Wielkopolski and in the seats of: the City Hall of Krosno Odrzańskie, the Municipality Office of Maszewo and the Municipality Office of Gubin, and also it was posted on the website www.gorzow.rdos.gov.pl.

The information about issuance of the decision was entered in publicly available data list, kept on the basis of Article 21 Par. 1 of the EIA Act under number 13/2015.

In addition, in accordance with Article 10 §1 of the Act - Administrative Procedure Code, by Announcement of the Regional Director for Environmental Protection in Gorzów Wielkopolski of January 7th, 2015 ref.: WNOŚ-II.4233.11.2014.NC posted on the website of the Regional Directorate for Environmental Protection in Gorzów Wielkopolski www.gorzow.rdos.gov.pl and on notice board of: the Regional Directorate for Environmental Protection in Gorzów Wielkopolski and the City Hall of Krosno Odrzańskie, the Municipality Office of Maszewo and the Municipality Office of Gubin, the parties to the proceedings were informed about collecting the whole evidentiary material in the case for issuance of decision on environmental conditions for the undertaking in question and about possibility for the parties to make statements as to the collected evidence and materials.

In the course of conducted administrative proceedings, none of the parties familiarised with the case files or submitted requests and remarks.

Having familiarised with the application in question and the Project Information Card, and having examined in details not only direct but also indirect effects of the activities which would be included in the planned project, and also having carried out an in-depth analysis of

conditions for implementation of the planned investment in the submitted application, taking into consideration the conditions set forth in Article 63 Par. 1 of the EIA Act, especially the scale and character of the undertaking, it was determined that the undertaking in question would not have a significant adverse impact on the environment.

In regard to the foregoing and basing on above-cited regulations, it was decided as stated hereinabove.

Instruction

A decision on environmental conditions should be enclosed to the application for issuance thereof, referred to in Article 72 Par. 1 Subpar. 1-18 and Article 72 of the Act on providing information on the environment and its protection, public participation in environmental protection and environmental impact assessments, within the date fixed in Article 72 par. 3 and 4 thereof. Any changes of decisions on environmental conditions shall be subject to relevant provisions on issuance of decisions on environmental conditions.

The parties may appeal against the decision to the General Director for Environmental Protection in Warsaw via the Regional Director for Environmental Protection in Gorzów Wielkopolski within 14 days from the date of delivery.

Information about the decision is subject to disclosure in publicly available data list.

[stamp of the Regional Director for Environmental Protection in Gorzów Wielkopolski – Jan Rydzanicz /*illegible signature*

Under Article 7 Subpar. 3 of the Act of November 16th, 2006 on stamp duty (Journal of Laws of 2012, item 1282), no stamp duty was collected for issuing of this decision.

Appendixes:

1. Characteristics of the undertaking.

Recipients:

1. **Mr. Tadeusz Kowalewski**
Biuro Projektów Inżynierii Środowiska i Melioracji "Ekoprojekt" Sp. z o.o.
Batorego 126a, 65-735 Zielona Góra
2. other parties to the proceedings - under Article 49 of the Administrative Procedure Code
3. File.

**REGIONAL DIRECTORATE FOR
ENVIRONMENTAL PROTECTION
IN GORZÓW WIELKOPOLSKI**

**Appendix to the decision on environmental conditions
of February 3rd, 2015, ref.: WOOS-II.4233.11.2014.NC**

Characteristics of the undertaking

The purpose of the planned undertaking entitled: "Wężyska – Chlebowo – construction of the left bank flood embankment of Odra river, municipalities Maszewo, Gubin, Krosno Odrzańskie" is the construction of a new section of flood embankment and expansion, by sections, of the existing one, which in technical terms shall be a safe element of the existing (for more than 100 years) left bank embankments of Odra river protecting the developed valley in a reach Raduszec Stary - Kosarzyn of surface area approx. 40 km².

The scope of designed investment project shall comprise:

- construction of new embankment, approx. 5.5 km long, at chainage km 527.4 ÷ 532.2 of Odra river with functionally connected structures, i.e. exits, embankment crossings and demarking a technical and protective lane of the embankment from upstream and downstream side,
- partial demolition of existing embankment approx. 3.7 km long at Odra river's chainage km 528.15 ÷ 529.8 and 530.5 ÷ 532.15, the function of which shall be taken over by the new embankment;
- expansion of a section of the existing embankment from the downstream side, at chainage km 526.9 ÷ 527.4 of Odra river over a length of approx. 0.4 km, using the soil coming from demolished existing embankment;
- expansion of a section of the provincial road No 138 Gubin – Połęczko over a length of approx. 0.35 km, within the crossing with the designed embankment of Odra river;
- reconstruction of an overhead high voltage power line WN-110 kV GPZ Dychów – GPZ Cybinka to standards values, between station No 39 and No 40 within its crossing with the new embankment;
- expansion of the existing municipal road 003407F (on plot 210/4 in Połęczko precinct) and municipal internal roads on plots No 682, Czarnowo precinct and plot No 570 in Połęczko precinct), located on the downstream side of the new embankment, of total length of approx. 3 km,
- expansion of the existing municipal internal road on approx. 0.47 km section (on plot No 671 in Chlebowo precinct) and construction of the embankment's technical road approx. 0.24 km long (on the downstream side of the embankment), being an extension of the aforementioned municipal internal road,
- construction of ditches by the embankment and by roads of total length approx. 5.8 km,

- with culverts;
- reconstruction of existing melioration facilities of the drainage system of the embanked area, ensuring drainage of waters from the embanked area after passing of Odra freshet, consisting in:
 - constructing ditches with structures over a length of approx. 0.13 km,
 - liquidating, by sections, the existing ditches with structures, which are located under the body of designed embankment and in the strip which directly adheres to it and in the formed embanked area, of total area approx. 5.3 km,
- change (lifting) of landscape on the landside of the embankment.

The construction of new flood embankment shall result in greater retention in the valley of Odra river in this section; some lands between the existing and the designed embankment shall be acquired for purposes of the embanked area, classification and level of which for flood protection shall change from “the area exposed to potential flooding risk” to “the area exposed to particular flooding risk”, what shall be the reason of significant change of this area’s use conditions. Only extensive agricultural and forest economy shall be allowed on those lands occasioned by the change of agricultural conditions – soils in the embanked area are characterised by increased level of ground waters. As a result of the designed reconstruction of provisional road 138 section, this road shall be used, just like now, as an access road to the ferry crossing and shall function only during a shipping period. The areas acquired for the investment are entirely located on territory of the Krzesiński Park Krajobrazowy [*Krzesin Landscape Park*], on territory of the Birds Special Area of Conservation PLB080004 “Dolina Środkowej Odry” [Middle Odra Valley] and on territory of the designed area which is important for the Community PLH080028 “Krośnieńska Dolina Odry” [Odra Valley near Krosno] – area proposed for coverage by protection under the Habitat Directive (SAC),

The application of a wide range of mitigation and minimising measures, being an integral part of the planned undertaking, was determined in the course of these proceedings, and the said measures shall consist in e.g.:

- carrying out works related to clearance of trees and shrubs outside the nesting season, i.e. beyond the period from April 15 to July 15;
- maximal limitation of the scope of clearance of trees and shrubs, especially in riparian habitats (riparian forests of willow *Salicetum albae* – within the Odra’s embanked area, riparian forests of alder and ash trees *Fraxino-Alnetum* – 206a, 208a, 210a, 211a and riparian forests of oak, elm and ash trees *Ficario-Ulmetum* – 207a, 206c);
- planting min. 30 pieces of common oaks per every single removed tree with a trunk perimeter of min. 15 cm, in areas agreed with the Gubin Forestry and maintaining the new trees for the period of min. 3 years in order to minimise the impact consisting in partial loss of habitats of xylobiotic species in consequence of implementation of the planned undertaking, in particular insects being the subjects

of conservation in Natura 2000 site "Krośnieńska Dolina Odry" [Odra Valley near Krosno] – stag beetle *Lucanus cervus*, great capricorn beetle *Cerambyx cerdo* and hermit beetle *Osmoderma eremita*;

- planning and arranging boxes for bats in order to partially compensate the loss of summer living places of bats, resulting from the necessity to remove great amount of trees;
- lighting the construction site and its backyard by using the light giving the so-called warm light spectrum e.g. sodium light, and also tight lamp housings, the objective of which is to reduce mortality rate among insects;
- applying, at the undertaking implementation stage, such technical and organisational solutions which shall effectively minimise the impact of the undertaking on the environment; these measures shall consist i.a. in:
 - segregating and collecting the wastes produced during implementation and exploitation of the undertaking in containers or areas intended for that purpose and ensuring that they shall be gradually disposed of or managed;
 - setting out, basing on existing road network, access roads, bypassing the areas of highest natural values;
 - using, during the planned construction works, the equipment which shall be fully operational and which shall meet the requirements authorising to use it, what shall ensure the protection against emission of dusts and gases to the air and the protection against emission of noise to the environment.