

REGIONAL DIRECTOR

DIRECTOR FOR ENVIRONMENTAL PROTECTION

IN OLSZTYN

WOOS.420.8.2021.BG.22 Olsztyn, December 28, 2021

#### ORDER

Acting pursuant to article 111 § 1a of the act of 14 June 1960. - Code of Administrative Procedure (Journal of Laws of 2021, No. 735, as amended, hereinafter: the Code), the Regional Director for Environmental Protection in Olsztyn

decides

supplement ex officio the decision on environmental conditions dated 15 December 2021, ref. no. WOOS.420.8.2021.BG.18, for the undertaking entitled: Construction of a meteorological radar on plot of land no. 330/3, Uzhranki precinct, municipality of Mrągowo, district of Mrągowo, Warmińsko-Mazurskie voivodeship, by adding in the decision, in section II, after section 13, the following section 13a shall be added

In exceptional situations, e.g.: related to the schedule of works, construction works with the use of heavy equipment may be carried out during the above mentioned lęgowy period under the supervision of a naturalist. In the case of a possible violation of the prohibitions listed in Article 52 Section 1 of the Nature Conservation Act, the works should be suspended until a permit for derogation from the prohibitions listed in the said Article has been obtained from the competent authority.

#### JUSTIFICATION

On 15 December 2021 The Regional Director for Environmental Protection in Olsztyn issued the decision on environmental conditions, No. WOOS.420.8.2021.BG.18, for the undertaking entitled: Construction of a meteorological radar on plot of land No. 330/3, Uzhranki precinct, Mrągowo municipality, Mrągowo County, Warmian-Masurian Voivodeship. In the original wording, the decision in point II did not contain sub-point 13a in the wording given by the present decision.

According to the justification of the said decision, there are no tree and shrub vegetation on the area of the planned project, which could constitute bird habitats. The described area may, however, be a temporary and incidental resting/nesting place for birds. However, the possibility of birds nesting on the plot in question cannot be ruled out. Therefore, in order to completely eliminate the possibility of negative impact on birds, works with the use of heavy equipment should be conducted outside the breeding season from March to August. However, taking into account the nature of the investment area and the lack of established protected species habitats, it was allowed to conduct the works during the breeding season under the supervision of a nature conservation officer. The role of the supervisor should be to verify whether the site is inhabited by birds and other animal groups. In case the supervisor confirms the nesting of birds or the presence of other protected species on the site for which the applicant has not obtained the appropriate permit, the works should be suspended and the appropriate authority should be requested to obtain the necessary permits.

Pursuant to Art. 111 § 1 and § 1a of the Code of Administrative Procedure, the public administration body that issued the decision may supplement or correct it as to the decision, or as to the right to

appeal, bring an action to the common court or a complaint to the administrative court against the decision, or correct the instruction in these matters.

Adding the missing (changing the content of the decision) subsection 13a concerned the decision, thus it could be done by issuing a decision pursuant to Article 111 § 1a of the Code of Administrative Procedure.

#### Information

As a result of issuing this decision, the 14-day period for lodging an appeal runs from the date of its delivery or announcement (Article 111 § 2 of the Code of Administrative Procedure). The decision to supplement the decision may not be appealed against.

Receive:

1 Mr. Marcin Walter, KLIMAS Przedsiębiorstwo Budowlano-Projektowe, 116 Zdunowska St., 63-700 Krotoszyn

Institute of Meteorology and Water Management - National Research Institute, 61 Podleśna St., 01-673 Warsaw

3. Mr Henryk Stachelek

4. Ms Urszula Stachelek

5. Ms Magdalena Gebka

6. the Municipality of Mrqgowo, 60A Krolewiecka St., 11-700 Mrqgowo

7. ad acta

For information:

1. the Warmia and Mazury State Regional Sanitary Inspector, ul. Żołnierska 16, 10-561 Olsztyn

2. Polish waters regional management board in Białystok, Branicki Street 17A, 15-085 Białystok