

ITiG.6131.D.15.2019.DK

[stamps:]

Międzyzylesie, July 2nd, 2019

1. The Mayor of Town and Municipality of Międzyzylesie
2. POWIAT ROADS ADMINISTRATION in Kłodzko
Delivery date: July 3rd, 2019; No. 3421

DECISION

Under Article 83 Par. 1, Article 83a Par. 1, Article 86 Par. 1 Subpar. 4 and 5 of The Environmental Protection Act of April 16th, 2004 (Journal of Laws of 2018, item 1614 as amended) and Articles 104, 107 and 130 §4 of the Code of Administrative Procedure (Journal of Laws of 2018, item 2096 as amended), after reviewing an application submitted by **the Proxy of the Director of Poviast Roads Administration in Kłodzko, ul. Objazdowa 20, 57-300 Kłodzko**, concerning issuing a permit for removal of trees growing within the poviast right-of-way:

- 3274D – plot No. 334/13 – Międzyzylesie precinct
- 3233D – plot No. 50 – Szklarnia precinct
- 3269D – plot No. 88/2 – Dolnik precinct
- 3271D – plot No. 482 – Międzyzylesie precinct
- 3233D – plot No. 237/2 – Roztoka precinct

remaining under the permanent administration of the Applicant.

I determine

1. Allow the Proxy of the Director of Poviast Roads Administration in Kłodzko, ul. Objazdowa 20, 57-300 Kłodzko, to remove trees growing in within poviast right-of-the way:
 - a) poviast road No. 3274D – plot No. 334/13 – Międzyzylesie precinct,
- small-leaved lime 1 pc, with a trunk circumference at 130 cm height: 320 cm
 - b) poviast road no. 3233D – plot No. 237/2 – Roztoka precinct,
- small-leaved lime 1 pc, with a trunk circumference at 130 cm height: 153 cm
- Norway maple 2 pcs, with trunk circumferences at 130 cm height: 131 cm and 135 cm
 - c) poviast road no. 3233D – plot No. 50 – Szklarnia precinct,
- poplar 1 piece, with a trunk circumference at 130 cm height: 250 cm
 - d) poviast road no. 3269D – plot No. 88/2 – Dolnik precinct,
- Norway maple 1 pc, with a trunk circumference at 130 cm height: 190 cm
 - e) poviast road no. 3271D – plot No. 482 – Międzyzylesie precinct,
- Norway maple 1 pc, with a trunk circumference at 130 cm height: 58 cm
- European ash 1 pc, with a trunk circumference at 130 cm height: 215 cm

2. No fees are charged for the removal of trees in accordance with Article 86 Par. 1 Subpar. 4 and 5 of The Environmental Protection Act of April 16th, 2004 (Journal of Laws of 2018, item 1614 of the consolidated text, as amended)
3. The deadline for removal of trees: **December 31st, 2019**. Should it be necessary to fell trees during the breeding season of birds - within the period from March 15th to August 15th, the planned activities should be preceded by an inspection of the trees to determine whether they were inhabited by birds. If occurrence of birds is determined, the Regional Director for Environmental Protection in Wrocław should be requested - pursuant to Article 56 Par. 2 and Article 4 Subpar. 3, in connection with Article 52 Par. 1 Subpar. 7 and 8 of The Environmental Protection Act - for a permit to exempt from prohibitions applicable to protected species occurring in the wild (i.a. the destruction of nests, habitats as well as other shelters).
4. The felling of trees non-compliant with the decision is to be considered as a tree removal without the required permit and shall be subject to payment of penalties.

The conducting authority applied to the Regional Director for Environmental Protection in Wrocław with application No.: ITiG.6131.P.34.2019.DK of May 7th, 2019 for an accord (delivery date of the application – May 10th, 2019). Regional Director for Environmental Protection in Wrocław, with a letter No. WPN.660.694.2019.MD of May 15th, 2019, requested a statement of position on the matter of removal of one tree (poplar), which was replied with a letter No.: ITiG.6131.P. 43.2019.DK of 21st, May 2019. Since no objection was entered in the statutory period on the delivery date of the letter (27 May 2019), the application is deemed admissible.

Pursuant to Article 130 § 4 of the Code of Administrative Procedure, this decision, being in accordance with the request of the parties, shall be enforceable before the deadline for filing an appeal.

Since the decision upholds in its entirety the requests sought by the party, I withdraw from its justification.

The party may appeal against the decision to the Local Government Appeals Board in Walbrzych, do so through me, within 14 days of the delivery date.

During the period specified for the appeal, the party may waive the right of appealing to the body of public administrative authority, which issued the decision. On the day that the motion for waiver of the right to file an appeal is delivered to public administrative authority by the last party, the decision shall become final (a decision against which no administrative course of the instance or a request for reconsideration may be appealed) and binding (final decision which cannot be challenged before a court).

On the basis of the Article 7 Par. 3 of the Act on stamp duty of November 16th, 2006 (Journal of Laws of 2018, item 1044 as amended) no stamp duty shall be charged.

Recipients:

The Town and Municipal Office of Międzyzlesie

Plac Wolności 1, 57-530 Międzyzlesie

Phone: 74 812 63 27, Tax Identification Number (NIP): 8811037024

Fax: 74 812 61 26 National Official Business Register (REGON): 890718136

1. Powiat Roads Administration in Kłodzko, ul. Objazdowa 20, 57-300 Kłodzko
2. Case records

[stamps:]

1. THE MAYOR OF TOWN AND MUNICIPALITY OF MIĘDZYLESIE
2. Secretary of town and municipality, pp. the Mayor
mgr Aleksandra Kruk */illegible signature/*
3. ATTORNEY-AT-LAW licence no. WI – 469
mgr Piotra Masalski */illegible signature/*