

**REGIONAL DIRECTOR FOR
ENVIRONMENTAL PROTECTION
IN CRACOW**

PROJECT 60549311
Received on 2019-02-11
Signature No. 19.0038

OO.4220.5.3.2019.BM

Cracow, 8 February 2019

DECISION

Acting based upon Article 113 (2) of the Act of 14 June 1960 Administrative Proceeding Code (OJ of 2018, item 2096, as amended),

I hereby decide,

based upon the application dated 01/29/2019 (received on: 01/30/2019) filed by Mrs. Barbara Chammas of AECOM Polska Sp. z o.o., 1. Pokoju Alley, 31-548 Cracow, acting in the name of the Investor, i.e. State Water Holding Polish Waters Regional Water Management Authority in Cracow, 22. Piłsudskiego Street, 31-109 Cracow, ref. no.: POPDOW/KR/6049311/19/0037, **to clarify doubts related to contents of the decision** of the Regional Director for Environmental Protection in Cracow dated 09/04/2017, ref. no.: OO.4233.1.2017.BM, on environmental conditions for the investment titled: **“Construction of the left backwater embankment of the Dłubnia River in the City of Cracow”**, in reference to the time of performance associated with logging of trees located within the boundaries of investment implementation.

The Regional Director for Environmental Protection in Cracow states that he did not include a condition on time limits for the logging in the conclusion of the decision. In justification to the subject decision generally formed provisions on rules of logging declared by the Investor in case of 22 trees are included.

Furthermore, none of the provisions of the environmental decision issued by the Regional Director for Environmental Protection in Cracow on 09/04/2017, ref. no.: OO.4233.1.2017.BM, excludes the possibility of such works in the period from 1 April to 31 August.

Justification

Mrs. Barbara Chammas of AECOM Polska Sp. z o.o., 1. Pokoju Alley, 31-548 Cracow, acting in the name of the Investor, i.e. State Water Holding Polish Waters Regional Water Management Authority in Cracow, 22. Piłsudskiego Street, 31-109 Cracow, applied in the note dated 01/29/2019 (reception date: 01/30/2019), ref. no.: POPDOW/KR/6049311/19/0037, for clarifying the provisions of the decision issued by the Regional Director for Environmental Protection in Cracow dated 09/04/2017, ref. no.: OO.4233.1.2017.BM, on environmental conditions, in reference to the possibility of performance associated with logging of trees located within the investment implementation boundaries in a hatching period, under an exclusive and strict environmental supervision, i.e. done by an ornithologist.

The Regional Director for Environmental Protection in Cracow clarifies that generally formed provisions on rules of logging for 22 trees are included in the justification to the aforementioned decision on environmental condition. Documentation remaining a basis for issuing the environmental decision, i.e. investment data sheet, indicates that among identified trees to be logged there mainly are the following: white willow, some white poplars, and few fruit trees. Those trees are neither covered by protection of species nor located within areal forms of environmental protection.

As a consequence, the location of the planned assignment, and therefore the logging of trees determined above, shall be done beyond the boundaries of European Ecological Network Natura 2000. Due to relatively low value of the trees and their small number, the Regional Director for Environmental protection in Cracow did not identify a necessity of limiting the logging deadlines in the decision on environmental conditions. Information given in the justification on the time of logging planned by the Investor resulted only from the precautionary principle in case trees to be logged would be inhabited by protected species of birds. If the logging would be done within another deadline, but under supervision of the ornithologist who would indicate trees without nests for logging, then the protection of species would be fulfilled.

One shall also notice that there is no provision in the environmental decision issued by the Regional Director for Environmental Protection in Cracow on 09/04/2017, ref. no.: OO.4233.1.2017.BM, excluding the possibility of such a performance from 1 April to 31 August. The investment data sheet developed for the investment does not also exclude such possibilities. However, the deadline was not determined directly as a feasible one for the logging, but simultaneously it has not been excluded as acceptable for performance due to environmental or natural reasons, as well as no particular conditions were provided for performance of the logging or limiting it.

To sum up, provisions of the environmental decision do not define when the works associated with the logging shall be performed or when they cannot be performed. The provision related to the logging deadline remains an indirect declaration of the Investor related to observance of protection of animal species (birds).

The Investor, i.e. the State Water Holding Polish Waters RZGW in Cracow, implements Contract titled: *3A.1 Construction of Vistula Embankments in Cracow*, within the framework of Odra-Vistula Flood Management Project co-funded by the resources of the International Bank for Reconstruction and Development (World Bank), the Council of Europe Development Bank, the European Union's Cohesion Fund, and the dedicated reserve of the State Budget. The Contract remains a component of the flood protection for the area of Upper Vistula, and corresponds with implementation of governmental plans associated with flood protection for the country.

As a result, in this decision – in accordance with Article 113 (2) of the Administrative Procedure Code (OJ of 2018, item no. 2096, as amended) – *“the unit, which issued the decision, clarifies in a decision – as requested by an implementing unit or by a party – doubts related to contents of the decision”*.

The Regional Director for Environmental Protection in Cracow analyzed provisions of the subject decision, of the investment data sheet, including an update of the data sheet and graphical appendices, remaining attachments to the application on the issuance of a decision on environmental conditions, and of the note of Mrs. Barbara Chammas dated 01/29/2019, and accepted the Investor's application through clarifying doubts on its contents in this decision.

As a result it was decided as given in the conclusion.

Instruction

One may appeal against this decision to the General Director for Environmental Protection (52/54. Wawelska Street, 00-922 Warsaw) through the Regional Director for Environmental Protection in Cracow (25. Mogilska Street, 31-542 Cracow) within seven days from its serving date.

Regional
Director for Environmental Protection
in Cracow
Rafał Rostecki MSc

Recipients:

1. Mrs. Barbara Chammas, AECOM Polska Sp. z o.o., 1. Pokoju Alley, 31-548 Cracow – Investor's Proxy;
2. OO.BM – file.

INFORMATION OF THE ADMINISTRATOR ON PERSONAL DATA PROCESSING

Due to enactment of the Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 *on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC* (hereinafter referred to as GDPR) on 25 May 2018, we hereby inform that:

- 1) The Regional Director for Environmental Protection with its office in Cracow, 25. Mogilska Street, 31-542 Cracow, administers your personal data.
- 2) Your personal data shall be processed by the Regional Directorate for Environmental Protection for the purpose of administrative / court-administrative proceedings, in accordance with Article 6 (1) letter c) of the GDPR.
Provision of your personal data is voluntary, but necessary for fulfilling the legal obligation of addressing the case.
- 3) Your data may be provided by the Regional Director for Environmental Protection in Cracow to units authorized to obtain information based upon commonly valid provisions of the law.
- 4) Personal data provided by you shall be stored by the time required by provisions of the law.
- 5) You have a right to access your personal data and a right to adjust them, limit their processing, and a right to transfer the data.
- 6) Due to processing of your personal data you have a right to file a claim to the President of the Personal Data Protection Office.
- 7) Contact data to the Data Protection Inspector: e-mail address: iod.krakow@rdos.gov.pl, mail address: 25. Mogilska Street, 31-542 Cracow.