



**REGIONAL DIRECTOR FOR
ENVIRONMENTAL PROTECTION
IN CRACOW**

OP-I.6401.160.2021.GZ.2

Cracow, June 15, 2021

DECISION

In accordance with Article 104 and 155 of the Act of June 14, 1960 Code of Administrative Procedure (consolidated text, OJ of 2021, item 735) and Article 56 (2) item 1 and 2 and (4) item 3 of the Act of April 16, 2004 on the conservation of nature (consolidated text, OJ of 2020, item 55, as amended) in conjunction with § 6 (1) item 7 of the Regulation of the Minister of Environment of December 16, 2016 on the protection of animal species (consolidated text, OJ of 2016, item 2183; amended: OJ of 2020, item 26), after considering the application of May 10, 2021 (receipt date: May 14, 2021), supplemented on June 14, 2021, submitted by the State Water Holding Polish Waters with the registered office in Warsaw, 59A. Żelazna Street, 00-848 Warsaw, represented by the Director of the Regional Water Management Authority in Cracow, acting through the Proxy Ms. Barbara Chammas (AECOM Polska Sp. z o.o. - under a power of attorney dated April 13, 2021, ref. no. KR.ROO.0120.34.2021.PP), on amending the decision of the Regional Director for Environmental Protection in Cracow - ref. no.: OP-I.6401.204.2020.GZ dated July 2, 2020

I AMEND

I. the decision of the Regional Director for Environmental Protection in Cracow, ref. no.: OP-I.6401.204.2020.GZ of July 2, 2020

- in point I of the conclusion of the decision it is replaced to read as follows: **I. I permit** the State Water Holding Polish Waters with the registered office in Warsaw, 59A. Żelazna Street, 00-848 Warsaw, represented by the Director of the Regional Water Management Authority in Cracow, acting through the Proxy Ms. Barbara Chammas, a representative of AECOM Polska Sp. z o.o., in connection with the implementation of the task entitled: *“Development of a flood gate at the left flood embankment in the area of water intakes for the Sendzimira Steel Mill”*, whose scope of works includes activities carried out on the plot 38/19, register area no. 42, register unit Nowa Huta, the city of Cracow, to: (...).

- in the first paragraph of the Justification of the decision it is replaced to read as follows: Ms. Barbara Chammas, a representative of AECOM Polska Sp. z o.o., a Proxy of the State Water Holding Polish Waters with the registered office in Warsaw, 59A. Żelazna Street, 00-848 Warsaw, represented by the Director of the Regional Water Management Authority in Cracow, with the application of May 19, 2020 (receipt date: June 18, 2020), supplemented finally on June 25, 2020, has requested the Regional Director for Environmental Protection in Cracow for permission for the destruction of habitats or refuges, which are the site of breeding, rearing the young individuals, resting or feeding and for the destruction, removal or damage of a nest of one pair of birds of the species River Warbler (*Locustella fluviatilis*), as well as for the destruction of habitats or refuges, which are the site of breeding, rearing the young individuals, resting or feeding and for the destruction, removal or damage of a system of burrows and dam, of a family group of beavers (*Castor fiber*), the exact number of which could not be determined. The activities will be carried out in the area of the Kujawy Port,

on the plot 38/19, register area no. 42, register unit Nowa Huta, the city of Cracow in connection with the implementation of the task entitled: *“Development of a flood gate at the left flood embankment in the area of water intakes for the Sendzimira Steel Mill in Cracow”*.

Justification

Ms. Barbara Chammas, a proxy (based on the power of attorney dated April 13, 2021, ref. no. KR.ROO.0120.34.2021.PP) of the Director of the Regional Water Management Authority in Cracow, who is a representative of the State Water Holding Polish Waters with the registered office in Warsaw, 59A. Żelazna Street, 00-848 Warsaw, with the application of May 10, 2021 (receipt date: May 14, 2021), supplemented on June 14, 2021, has requested the Regional Director for Environmental Protection in Cracow to amend the decision of the Regional Director for Environmental Protection in Cracow, ref. no.: OP-I.6401.204.2020.GZ of July 2, 2020 authorizing derogations from the bans on protected species of animals in connection with implementation of flood protection investments in the Kujawy Port area in Cracow.

The scope of the requested modifications concerns the change of the Applicant's name, given in error as a result of an obvious mistake by the Applicant, and the change of the contract title. Ms. Barbara Chammas has enclosed the relevant power of attorney to the application, ref. no.: KR.ROO.0120.34.2021.PP issued on April 13, 2021. This change is dictated by the clarification of the nomenclature for the different parts of the works for the implementation of the flood protection project in the Odra and Vistula river basins.

Article 155 of the Act of June 14, 1960 Code of Administrative Procedure provides that a final decision by virtue of which a party has acquired a right may be amended at any time with the consent of the party by the public administration body which issued it, or by the authority of higher level, if specific provisions do not preclude the repealing of or amendment of such a decision and it is supported by the legitimate interest of the party.

The changes contained in this decision do not relate to the manner in which the activities were carried out, their nature or the methodology adopted as determined in the original decision. However, they are related to removing an obvious mistake by the Applicant and clarification of the nomenclature in the scope of implementation of the flood protection project in the Odra and Vistula river basins.

This decision considers in full the request of the Applicant, who is the only party to the proceeding. The decision was issued based on the legitimate interest of the party.

In view of the foregoing, it has been decided as in the conclusion of the Decision.

Instruction

An appeal may be filed against this decision to the General Director for Environmental Protection (52/54. Wawelska Street, 00-922 Warsaw), within 14 days of the date of delivery of the decision through the Regional Director for Environmental Protection in Cracow (25. Mogilska Street, 31-542 Cracow).

Pursuant to Article 127a § 1 and § 2 of the Act of June 14, 1960, Code of Administrative Procedure, a party may, within the time limit for lodging an appeal, waive the right to lodge an appeal against the decision of the public administration body which issued the decision. The decision becomes final and binding on the day of delivering a statement waiving the right to appeal by the last of the parties to the proceedings to the public administration body.

This decision, pursuant to Article 130 § 4 of the Code of Administrative Procedure, shall be enforceable before the expiry of the time limit for appeal if it complies with the request of all parties or if all parties have waived their right to appeal.

The Regional Director for Environmental Protection in Cracow may inspect the Applicant's compliance with the conditions set out herein, as well as withdraw the permit if the conditions are not met (Article 56 (7a) and (7j) of the act on the conservation of nature).

**Regional Director for Environmental Protection
in Cracow**

Rafał Rostecki, M.Sc.

/electronic signature/

A stamp duty of PLN 82.00 was collected pursuant to Article 7 of the Act of November 16, 2006 on stamp duty (consolidated text, OJ of 2019, item 2023, as amended)

Recipients:

1. Applicant
2. OP - to files.