

Czerwieńsk, 18 July 2011

MAYOR OF
CZERWIŃSK

Our ref.: GGRIÓŚ 7627-11/39/10/11

Decision

Acting based upon the following:

- Article 104 of the Act of 14 June 1960 Administrative Proceeding Code (i.e. OJ of 2000, no. 98, item 1071 as amended),
- Article 71 (2) item 2, Article 75 (1) item 4, and Article 82 and Article 85 (1) of the Act of 3 October 2008 on the access to information about environment and its protection, public participation in environmental protection, and environmental impact assessments (OJ of 2008, no. 199, item 1227 as amended),

after acknowledgement of the following:

- Application of 06 July 2010 (reception date: 08 July 2010) provided by Zbigniew Szymanowski, Water Service Sp. z o.o., 66/2. Dembowskiego Street, 51-669 Wrocław, proxy of the Regional Water Management Authority in Wrocław, on the issuance of a decision on environmental conditions for implementation of the investment titled **“Construction Design and Detailed Design for Reconstruction of river control infrastructure on the Odra River – Adaptation to the conditions of Class III waterway”**, planned for implementation within Lower Silesian Voivodship (districts of: Środa Śląska, Legnica, Wołów, Lubin, Góra, Głogów) and Lubuskie Voivodship (districts of: Ślubice, Nowa Sól, Zielona Góra, Krosno Odrzańskie),
- “Environmental Impact Report for the Investment Related to the Reconstruction of River Odra Regulation Structures – Adaptation to Class III Water Way” developed in 2010 by the team of Krameko Sp. z o.o. from Cracow managed by Eng. Marcin Czerny MSc,
- Provided update of uniformed text for Environmental Impact Report for the Investment Related to the Reconstruction of River Odra Regulation Structures – Adaptation to Class III Water Way” developed in 2011 by the team of Krameko Sp. z o.o. from Cracow managed by Eng. Marcin Czerny MSc,
- Notice dated 28 April 2011 (reception date: 02 May 2011), ref. no.: 31/WS/2011/465, provided by Zbigniew Szymanowski “Water Service” Sp. z o.o.,
- Notice dated 18 May 2011, ref. no.: 335/11, provided by Eng. Marcin Czerny MSc, Krameko Sp. z o.o.,
- Establishments of the Regional Director for Environmental Protection in Gorzów Wlkp. dated 07 April 2011 (reception date: 14 April 2011), ref. no.: WOÓŚ-II.4242.18.2011.NC,
- Establishments of the Regional Director for Environmental Protection in Wrocław dated 02 June 2011 (reception date: 06 June 2011), ref. no.: WOÓŚ-II.4242.39.2011.JS,
- Opinion of the State District Sanitary Inspector in Zielona Góra dated 18 January 2011 (reception date: 20 January 2011), ref. no.: NS-NZ-7721-1/11,

- Opinion of the State District Sanitary Inspector in Krosno Odrzańskie dated 31 January 2011 (reception date: 03 February 2011), ref. no.: NS-NZ-771-DŚ-3-1/2011,
- Opinion of the State District Sanitary Inspector in Ślubice dated 24 January 2011 (reception date: 31 January 2011), ref. no.: NZ-7721-6-2/11,
- Opinion of the State District Sanitary Inspector in Nowa Sól dated 11 January 2011 (reception date: 14 January 2011), ref. no.: ONS-NZ-4301/1/11,
- Opinion of the State District Sanitary Inspector in Głogów dated 10 February 2011 (reception date: 14 February 2011), ref. no.: ZNS-70-4-2/BD/11,
- Opinion of the State District Sanitary Inspector in Lubin dated 27 January 2011 (reception date: 04 February 2011), ref. no.: ZNS-61-615-1/AC/11,
- Opinion of the State District Sanitary Inspector in Legnica dated 04 February 2011 (reception date: 09 February 2011), ref. no.: ZNS-711-1-1/202/11,
- Opinion of the State District Sanitary Inspector in Wołów dated 20 January 2011 (reception date: 24 January 2011), ref. no.: ZNS-61-01/JK/11,
- Opinion of the State District Sanitary Inspector in Góra dated 26 January 2011 (reception date: 31 January 2011), ref. no.: ZNS-7200-1/MW/11,
- Opinion of the State District Sanitary Inspector in Środa Śląska dated 08 February 2011, ref. no.: ZNS-61-12BJZ/2011,

I decide

to determine for the investment titled:

“Construction Design and Detailed Design for Reconstruction of river control infrastructure on the Odra River – Adaptation to the conditions of Class III waterway”

implemented by the Regional Water Management Authority in Wrocław, 34. Norwida Street, 50-950 Wrocław,

the following environmental conditions for implementation of the investment:

- I. **Implementation location for the investment:** Lower Silesian Voivodship (districts of: Środa Śląska, Legnica, Wołów, Lubin, Góra, Głogów) and Lubuskie Voivodship (districts of: Ślubice, Nowa Sól, Zielona Góra, Krosno Odrzańskie);
- II. **Application conditions for the land in phase of implementation or exploitation or use of the investment, with special consideration of the necessity of [protection] of valuable environmental values, natural resources, and historic objects, and for limitation of nuisance for neighbouring areas:**
 1. During transportation of construction materials and performance of construction works apply technical and organizational measures guaranteeing maintenance of access roads clean, and also limit noise and emission of gases and dust to air.
 2. Equipment applied during the construction works must be fully efficient and must meet requirements allowing it for application. The type and technical condition **of the equipment applied during** the construction shall assure the protection of ground, surface and ground waters against polluting, protection against emission of gases and dusts to air, and protection against emission of noise to the environment. One shall verify the technical condition of

operation construction and transportation machines to eliminate leakage of oil derivative hydrocarbon onto the subbase.

3. Construction backyards, storage sites for construction materials, and equipment camps shall be located beyond the areas indicated by environmental supervisors; on hardened ground, if possible, in a way assuring thrifty application of land and minimum transformation of its surface; and after completion of investment works the land shall be restored to its original conditions. Layer of earth removed during the works shall be properly protected and applied for successively performed land reinstatement – any completed earth objects shall be planted as soon as possible. The surface indicated for the construction backyard shall be limited to the necessary minimum.
4. Technological roads for deliveries of materials (fascine, stone) shall be organized, if possible, based upon the existing road network, beyond the areas indicated by environmental supervisors as environmentally valuable areas. The surface indicated for access roads shall be limited to the necessary minimum.
5. Materials, and especially fascine, for the purpose of investment implementation shall be obtained from areas not protected under Natura 2000 Programme.
6. In order to eliminate the threat of disturbing life of the protected species of birds, for protection of which Natura 2000 site OSO PLB080004 “Dolina Śródkowej Odry” was determined, the construction works and the hydraulic works shall be performed beyond the period from 1 March to 31 August.
7. Potential logging of trees and/or shrubs shall be limited to the necessary minimum, whereas remaining trees which would not be logged and which are located within the designed construction and hydraulic works shall be protected against mechanical damages.
8. For the purpose of protecting the trees growing in the direct neighbourhood of the works one shall:
 - Cover trunks of trees growing in the direct neighbourhood of performed earthworks,
 - Earthworks in the area of root system shall be done manually, if possible,
 - Uncovered tree roots shall be covered with hay mats, bag fabrics or turf in order to protect them against over-drying (Summer) or over-freezing (Winter),
 - One shall care to avoid storing of construction materials and earth from excavations underneath tree branches as it disables gas exchange between the air and the soil, which in turn may lead to decaying and rotting of the roots.
9. In order to reduce losses in specimens of mussels (remaining a breeding habitat for the protected species of fish – Amur bitterling) one shall verify materials dredged from the Odra bottom and collect specimens of mussels present on the surface of dredged materials. Collected specimens shall be transferred and placed in the river in locations assuring their safety. The verification shall be done directly after dredging and prior to the completion of works on a given day. In time, when the air temperature would amount to more than 20°C the verification of dredged materials shall be done at least every 4 hours.
10. Trims at bank slopes shall be made of rip-rap.
11. In vicinity of the garaging and fuelling site for machines there should be a sorbent station for liquidation of leakages and spills of oil-derivative substances.

12. One shall not allow for long-term operations of internal-combustion engines of construction machines and vehicles during stoppage (limit emission in so called idle phase).
13. Organize the works in a way minimizing the quantity of produced waste and limit their negative impact on the environment. Waste produced during implementation of the investment shall be segregated and stored selectively in containers or within locations separated and adapted for this purpose, in conditions preventing dusting and dispersing of light fractions, and their adverse impact on the environment, and their successive collection by units having relevant permits for their further management shall be assured.
14. Dangerous waste shall be segregated and stored in designated containers placed on hardened ground protected against the access of third parties until handing them over to units having proper permits for their further treatment.
15. Domestic waste shall be collected in tight holding tanks and their regular collection by authorized units shall be assured.
16. In order to limit noise nuisance the construction works shall be performed during daytime (6.00 am – 10.00 pm).
17. One shall limit application of heavy equipment to the necessary minimum.
18. Construction machines should have modern drive units with limited emission of combustion gases.
19. Construction backyard shall be placed as far as possible from the housing areas.
20. At passages through developed areas one shall absolutely keep proper velocity of vehicles, and the transported cargo shall be properly secured to minimize potential nuisance (relevant covers for transportation shall be applied to e.g. limit dusting).
21. The investment shall be designed in accordance with valid provisions of law, technical rules, along with application of solutions protecting the environment.
22. Implementation of the subject investment should include application of actions eliminating and limiting the occurrence of adverse environmental impact as determined in the:
 - a) Environmental Impact Report for the Investment Related to the Reconstruction of River Odra Regulation Structures – Adaptation to Class III Water Way developed in 2010 by the team of Krameko Sp. z o.o. from Cracow managed by Eng. Marcin Czerny MSc,
 - b) Provided update of uniformed text for Environmental Impact Report for the Investment Related to the Reconstruction of River Odra Regulation Structures – Adaptation to Class III Water Way developed in 2011 by the team of Krameko Sp. z o.o. from Cracow managed by Eng. Marcin Czerny MSc,
 - c) Notice dated 28 April 2011, ref. no.: 31/WS/2011/465, provided by Zbigniew Szymanowski Water Service Sp. z o.o.,
 - d) Notice dated 18 May 2011, ref. no.: 335/11, provided by Eng. Marcin Czerny MSc, Krameko Sp. z o.o.

III. Environmental protection requirements to be necessarily included in the construction design:

Section no. (design)	Section no. (study)	River km from	River km to	Section length in km	Type of works performed
Water Supervision in Krosno Odrzańskie					
3/2	1	about 540	about 537	about 3	- 49 groynes - 1milling - geodetic survey for the entire river
1/1	2	about 500.7	about 493	About 7.7	- 122 groynes - 2millings - geodetic survey for the entire river
6/2	3	about 493	about 490.3	about 2.7	- 10 groynes - geodetic survey for groynes
5/2	3	about 493	about 490.3	about 2.7	- 19 groynes - 1milling - geodetic survey for the left bank
4/2	4	about 487.8	about 484	about 3.8	- 51 groynes - 1milling - geodetic survey for the entire river
2/1	5	about 484	about 482	about 2	- 27 groynes - geodetic survey for the entire river
					Total of 278 groynes and 5 millings
Water Supervision in Cigacice					
7/2	6	about 475.5	about 475	about 0.5	- 12 groynes - 1milling - geodetic survey for the entire river
8/2	7	about 456.8	about 456	about 0.8	- 20 groynes - 1milling - geodetic survey for the entire river
9/2	8	about 454.8	about 454.2	about 0.6	- 13 groynes - 1milling - geodetic survey for the entire river
10/2	9	about 431.2	about 430.8	about 0.4	- 10 groynes - 1milling - geodetic survey for the entire river
11/2	10	about 429.5	about 429.4	about 0.1	- 2 groynes - 1milling
12/2	11	about 427.6	about 427.5	about 1	- 6 groynes - 1milling - geodetic survey for the entire river
					Total of 63 groynes and 6 millings
Water Supervision in Bytom Odrzański					
13/2	12	about 399.4	about 399.1	about 0.3	- 4 groynes - 1milling - geodetic survey for the entire river
14/2	13	about 394	about 393.4	about 0.6	- 7 groynes - geodetic survey for the left bank
15/2	14	about 390.8	about 390.2	about 0.6	- 8 groynes - 1milling - geodetic survey for the left bank
16/2	15	about 388.1	about 387.9	about 0.2	- 5 groynes - 1milling - geodetic survey for the entire river
					Total of 24 groynes and 3 millings
Water Supervision in Chobienia					
17/2	16	about 360	about 359.8	about 0.2	- 5 groynes - geodetic survey for the entire river
18/2	17	about 358.6	about 357.79	about 0.81	- 7 groynes - geodetic survey for the left bank
19/2	18	about 355.4	about 354	about 1.4	- 10 groynes - geodetic survey for the left bank
20/2	19	about 347.8	about 347.2	about 0.6	- 7 groynes - 1milling - geodetic survey for the left bank
21/2	20	about 346.1	about 345.9	about 0.2	- 4 groynes - 1milling - geodetic survey for the left bank
22/2	21	about 315.7	about 315.5	about 0.2	- 1milling - geodetic survey for the entire river
					Total of 33 groynes and 3 millings
Water Supervision in Brzeg Dolny					

23/2	22	about 307.7	about 307.4	about 0.3	- 2 groynes - geodetic survey for the left bank
24/2	23	about 307.1	about 306.7	about 0.4	- 3 groynes - geodetic survey for the left bank
25/2	24	about 305.4	about 305.1	about 0.3	- 3 groynes - geodetic survey for the left bank
26/2	25	about 303.1	about 302	about 1.1	- 10 groynes - geodetic survey for the left bank
					Total of 18 groynes

One shall plan locations for temporary technological roads and for construction backyard to be used for storage of construction materials, soil, top-soil, garaging of machines and trucks, performance of ongoing repairs and fuelling of machines, placement of staff objects, including portable sanitary cabins with full equipment, and containers for municipal waste – in such a way to locate them beyond the existing green areas, within hardened sites isolated from the ground subbase.

One shall determine areas designated for collecting and storing the waste.

IV. Monitoring requirements:

One shall perform environmental monitoring including inspections of the construction works and the hydraulic works associated with redevelopment of River Odra's regulation facilities done under supervision of the environmental team assigned by the investor for the time of implementation for the entire investment. The environmental supervision – performed by specialists – shall include the following:

- a) Inspection of the site covered with construction and hydraulic works prior to their commencement and inspections during the works;
- b) If necessary, development of recommendations of necessary minimizing actions to be undertaken to mitigate effects of the investment implementation for natural habitats, and species and their habitats being a subject of interest for the Community, and undergoing legal protection, which cannot be foreseen on the stage of establishing the conditions under this decision;
- c) Development of protective guidelines during the works;
- d) If necessary, obtainment of permits for derivation from protection bans for species of plants, fungi or animals, based upon the rules and in the mode determined in the Act of 16 April 2004 on the conservation of nature;
- e) Reporting in the form of periodical reports provided to the Regional Director for Environmental Protection in Gorzów Wielkopolski in a written form, once a year - until 30 November, in which the works were performed.

One shall assign specialists in environmental protection, including phytosociology herpetology, and ornithology, as members of the environmental supervision; the environmental protection specialist shall have related experience documented and shall be educated in environmental protection or in a similar field.

V. Prior to the commencement of the investment implementation I do not identify it necessary to perform an environmental impact assessment and to proceed in case of the transboundary environmental impact under the proceeding on the issuance of decision, which are discussed under Article 72 (1) item 1 of the Act of 3 October 2009 on the access to information about environment and its protection, public participation in environmental protection, and environmental impact

assessments, provided that design solutions presented during the proceeding prior to the issuance of the decision on environmental conditions, which might have modify the investment's environmental impact, would not be changed.

VI. Character of the investment remains an appendix to this decision and forms its integral part.

Justification

Zbigniew Szymanowski "Water Service" Sp. z o.o., 66/2. Dembowski Street, 51-669 Wrocław, proxy of the Regional Water Management Authority in Wrocław, applied to the Mayor of Czerwieńsk on 06 July 2010, ref. no.: 111/WS/2010/465, for the issuance of a decision on environmental conditions for the investment titled "Construction Design and Detailed Design for Reconstruction of river control infrastructure on the Odra River – Adaptation to the conditions of Class III waterway". The applicant attached the following to the application:

- Copies of cadastral maps certified by relevant units, covering the expected area of investment implementation and including the area under the investment impact,
- Power of attorney for Mr. Zbigniew Szymanowski issued by RZGW in Wrocław,
- Information sheet about the planned investment – 3 copies with a copy on CD,
- Extract from the land register including the expected area, where the investment shall be implemented, and including the area under the investment impact.

Proceeding in the subject case was started prior to entering of the Act of 21 May 2010 on the modification of the act on the access to information about environment and its protection, public participation in environmental protection, and environmental impact assessments, and on some other acts (OJ of 5 July 2010, no. 119, item 804) into force, and prior to entering of the Regulation of the Council of Ministers of 9 November 2010 on the investments, which may significantly affect the environment (OJ no. 213, item 1397) into force.

In accordance with paragraph 4 of the Regulation of the Council of Ministers of 9 November 2010 on the investments, which may significantly affect the environment, in case of proceedings on decisions discussed under Article 71 (1) of the aforementioned Act on *EIA* commenced prior to entering the aforementioned regulation into force, i.e. before 11/15/2010, previous regulations apply.

In accordance with paragraph 3 (10) items 60 and 62 of the Regulation of the Council of Ministers of 9 November 2004 on the determination of investment types, which may significantly affect the environment and on the detailed conditions associated with classification of the investment for the development of environmental impact report (OJ no. 257, item 2573 as amended), and due to Article 173 (2) item 2 of the Act on *EIA*, the subject investment remains an investment, which may potentially significantly affect the environment, for which it was stated that it is obligatory to perform an assessment based upon Article 63 (1) of the Act on *EIA*, and therefore it is a planned investment determined under Article 59 (1) item 2 of the Act on *EIA*. Implementation of the subject investment shall be preceded with the obtainment of a decision on construction permit.

Implementation of the subject investment covers two voivodships: Lower Silesian Voivodship (districts of: Środa Śląska, Legnica, Wołów, Lubin, Góra, Głogów) and Lubuskie Voivodship (districts of: Słubice, Nowa Sól, Zielona Góra, Krosno Odrzańskie).

In accordance with Article 75 (4) of the aforementioned *EIA Act*, “in case of an investment discussed in item 1 (4) and exceeding the area of a single community, a decision on environmental conditions shall be issued by a commune administrator, executive, mayor of the city, where the greatest part of the area where the investment is to be implemented is located, in agreement with interested administrators, executives, and mayors”. That situation is relevant in this case. In accordance with Article 75 (1) item 4 of the *EIA Act* and according to the territorial competence, the unit relevant for performance of the administrative proceeding in case of issuing a decision on environmental conditions for the aforementioned investment is the Mayor of Czerwieńsk.

As the number of parties in this case exceeds 20, in accordance with Article 74 (3) of the *EIA Act* for the purpose of service provisions under Article 49 of the Administrative Proceeding Code are applied.

After verifying the completeness of the aforementioned application and after identifying that it does not contain formal shortcomings, the unit commenced administrative proceeding in the subject case, and notified the parties through an announcement dated 17 August 2010, ref. no.: GGRiOŚ 7627-11/1/10, which has been placed on the notice board of the local Office and in offices of the following: City Office in Krosno Odrzańskie, City Office in Sulechów, City Office in Cybinka, Community Office in Gubin, Community Office in Zielona Góra, Community Office in Trzebiechów, Community Office in Zabór, Community Office in Bojadła, Community Office in Nowa Sól, Community Office in Głogów, City Office in Głogów, Community Office in Kotła, Community Office in Rudna, City and Community Office in Jemielno, City and Community Office in Prochowice, City and Community Office in Wołów, Community Office in Malczyce, City Office in Środa Śląska.

On 13 October 2011 the Mayor of Czerwieńsk issued a decision, ref. no.: GGRiOŚ 7627-11/16/10, on the obligation of performing an environmental impact assessment for the aforementioned investment. Prior to the issuance of that decision the unit – acting in accordance with Article 64 (1) of the aforementioned *EIA Act* – asked the following for opinion:

- Regional Director for Environmental Protection in Gorzów Wlkp. (note dated 20 February 2010, ref. no.: GGRiOŚ 7627-11/3/10),
- State District Sanitary Inspector in Zielona Góra (note dated 20 August 2010, ref. no.: GGRiOŚ 7627-11/4/10),
- State District Sanitary Inspector in Krosno Odrzańskie (note dated 9 September 2010, ref. no.: GGRiOŚ 7627-11/7/10),
- State District Sanitary Inspector in Słubice (note dated 09 September 2010, ref. no.: GGRiOŚ 7627-11/8/10),
- State District Sanitary Inspector in Nowa Sól (note dated 09 September 2010, ref. no.: GGRiOŚ 7627-11/9/10),
- State District Sanitary Inspector in Głogów (note dated 09 September 2010, ref. no.: GGRiOŚ 7627-11/10/10),
- State District Sanitary Inspector in Lubin (note dated 09 September 2010, ref. no.: GGRiOŚ 7627-11/11/10),
- State District Sanitary Inspector in Legnica (note dated 09 September 2010, ref. no.: GGRiOŚ 7627-11/12/10),
- State District Sanitary Inspector in Wołów (note dated 09 September 2010, ref. no.: GGRiOŚ 7627-11/13/10),

- State District Sanitary Inspector in Środa Śląska (note dated 09 September 2010, ref. no.: GGRIOS 7627-11/14/10),
- State District Sanitary Inspector in Góra (note dated 09 September 2010, ref. no.: GGRIOS 7627-11/15/10).

Considering the location, nature, scale of the investment's environmental impact, and the fact that it is located within the Natura 2000 site covering valuable natural habitats, which remains a living site for many species of birds given in appendix 1 to the Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds, and that it is a place of regular occurrence of migrating birds not listed in the aforementioned Appendix 1 of the Council Directive, and that – in accordance with provisions under Article 4 of that Directive – those species are covered with special protective measures, including also their habitats, to assure the preservation and breeding of those species within the areas of their occurrence, it was decided that it is necessary to develop an environmental impact report and its scope was simultaneously determined in conformity with binding provisions resulting from Article 66 of the *EIA* Act. Taking into account total conditions given under Article 63 (1) of the *EIA* Act, after analysing the application on the issuance of a decision on environmental conditions for the planned investment and the information sheet, and also based upon opinions of the aforementioned authorities it was stated that implementation of the subject investment may significantly affect the environment.

The parties were informed about the issued decision on the obligation to perform the environmental impact assessment for the subject investment in Announcement of the Mayor of Czerwieńsk of 15 October 2010, ref. no.: GGRIOS 7627-11/17/10. The parties were informed that the parties have a right to appeal against that announcement to the Self-Governing Appeal Board in Zielona Góra through the Mayor of Czerwieńsk within 7 days from the serving date (serving is deemed as done after fourteen days from the day of publishing the announcement).

In the note of 03 November 2010 Mr. Zbigniew Szymanowski "Water Service" Sp. z o.o. – the party of proceeding – provided a claim against the decision issued by the Mayor of Czerwieńsk, and argued that the decision issued does not include the legally required standpoint of the Regional Directorate for Environmental Protection in Wrocław. The claim was received on 08 November 2010 and has been provided within the deadline.

The claim needed addressing, and therefore on 15 November 2010 the Mayor of Czerwieńsk issued a decision, ref. no.: GGRIOS 7627-11/20/10 changing the decision dated 13 October 2010, ref. no.: GGRIOS 7627-11/16/10 on the obligation of performing the environmental impact assessment. That decision included the opinion of the Regional Director for Environmental Protection in Wrocław, who stated in his opinion that it is necessary to perform the environmental impact assessment, and that the report shall be in conformity with Article 66 of the *EIA* Act. The scope given in the opinion has been included in the subject decision. The parties were informed about the issued decision in an Announcement of the Mayor of Czerwieńsk dated 15 November 2010, ref. no.: GGRIOS 7627-11/21/10.

Along with the note of 20 December 2010 (reception date: 22 December 2010, ref. no.: 158/WS/2010/465) Mr. Zbigniew Szymanowski "Water Service" Sp. z o.o. provided the local authorities with an Environmental Impact Report for the subject investment.

Information on the aforementioned application and on the attached environmental impact report was published under the following numbers: 57/A/2010, 79/B/2010, 90/B/2010, 1/E/2010, and 1/E/2011 in

the publicly accessible data summary (RIOS – register of information on the environment) kept based upon Article 22 of the *EIA* Act.

Publication of information on the commencement of proceeding with public participation was done through an announcement of the Mayor of Czerwieńsk dated 23 December 2010, ref. no.: GGRiOŚ 7627-11/23/10. The subject announcement provided information about the application and about the possibility of filing remarks and application in the office of local authorities within 21 days, i.e. from 14 January 2011 to 03 February 2011. The subject announcement was published on e.g. a notice board in the Community and City Office in Czerwieńsk, and on the website of local authorities, and was also placed on notice boards in the following: City Office in Cybinka, City and Community Office in Wołów, City and Community Office in Prochowice, Community Office in Zielona Góra, City Office in Sulechów, Community Office in Rudna, Community Office in Głogów, Community Office in Kotla, City Office in Krosno Odrzańskie, Community Office in Zabór, City Office in Głogów, Community Office in Jemielno, Community Office in Malczyce, City Office in Środa Śląska, Community Office in Gubin, Community Office in Trzebiechów, Community Office in Bojadła, Community Office in Nowa Sól. Until today there were no remarks or applications in the proceeding with public participation.

Acting in accordance with Article 77 (1) item 1 of the *EIA* Act the local authorities applied for establishing implementation conditions for the subject investment to the following:

- Regional Director for Environmental Protection in Gorzów Wlkp. (note dated 07 January 2011, ref. no.: GGRiOŚ 7627-11/25/10/11),
- Regional Director for Environmental Protection in Wrocław (note dated 07 January 2011, ref. no.: GGRiOŚ 7627-11/26/10/11).

Acting in accordance with Article 77 (1) item 2 of the *EIA* Act the local authorities applied for opinion on implementation conditions for the subject investment to the following:

- State District Sanitary Inspector in Zielona Góra (note dated 07 January 2011, ref. no.: GGRiOŚ 7627-11/27/10/11),
- State District Sanitary Inspector in Krosno Odrzańskie (note dated 07 January 2011, ref. no.: GGRiOŚ 7627-11/28/10/11),
- State District Sanitary Inspector in Słubice (note dated 07 January 2011, ref. no.: GGRiOŚ 7627-11/29/10/11),
- State District Sanitary Inspector in Nowa Sól (note dated 07 January 2011, ref. no.: GGRiOŚ 7627-11/30/10/11),
- State District Sanitary Inspector in Głogów (note dated 07 January 2011, ref. no.: GGRiOŚ 7627-11/31/10/11),
- State District Sanitary Inspector in Lubin (note dated 07 January 2011, ref. no.: GGRiOŚ 7627-11/32/10/11),
- State District Sanitary Inspector in Legnica (note dated 07 January 2011, ref. no.: GGRiOŚ 7627-11/33/10/11),
- State District Sanitary Inspector in Wołów (note dated 07 January 2011, ref. no.: GGRiOŚ 7627-11/34/10/11),
- State District Sanitary Inspector in Środa Śląska (note dated 07 January 2011, ref. no.: GGRiOŚ 7627-11/35/10/11),

- State District Sanitary Inspector in Góra (note dated 07 January 2011, ref. no.: GGRIOS 7627-11/36/10/11).

In the note dated 11 January 2011, ref. no.: ONS-NZ-4301/1/11 the State District Sanitary Inspector in Nowa Sól provided a positive opinion on implementation conditions for the subject investment in a reach running within the boundaries of Now Sól district.

In the note dated 18 January 2011, ref. no.: NS-NZ-7721-1/11 the State District Sanitary Inspector in Zielona Góra provided a positive opinion on hygiene and health requirements for implementation of the subject investment in a reach running within the boundaries of Zielona Góra district.

In the note dated 20 January 2011, ref. no.: ZNS-61-01/JK/11 the State District Sanitary Inspector in Wołów provided a positive opinion on implementation conditions for the subject investment in terms of hygiene and health requirements in a reach related to the area located within Wołów district.

In the note dated 24 January 2011, ref. no.: NZ-7721-6-2/11 the State District Sanitary Inspector in Słubice provided a positive opinion on hygiene and health requirements for the subject investment, provided that establishments given in the opinion will be observed. Establishments given in the aforementioned sanitary opinion were addressed in item II of this decision.

In the note dated 26 January 2011, ref. no.: ZNS-7200-1/MW/11 the State District Sanitary Inspector in Góra provided a positive opinion on hygiene and health requirements for implementation of the subject investment located within the boundaries of Góra district.

In the note dated 27 January 2011, ref. no.: ZNS-61-615-1/AC/11 the State District Sanitary Inspector in Lubin provided a positive opinion on conditions for implementation of the subject investment in terms of hygiene and health requirements without remarks.

In the note dated 31 January 2011, ref. no.: NS-NZ-771-DŚ-3-1/2011 the State District Sanitary Inspector in Krosno Odrzańskie did not raise any remarks in terms of hygiene and health requirements for implementation of the subject investment.

In the note dated 04 February 2011, ref. no.: ZNS-711-1/202/11 the State District Sanitary Inspector in Legnica provided a positive opinion on implementation conditions for the subject investment in terms of hygiene and health requirements. That opinion is related to a part of the investment located in the area of Legnica district, Community of Prochowice, areas of: Kwiatkowice and Kawice. The positive opinion was issued with a reservation that in further phases of investment implementation one shall include recommendations given in the attached "Environmental Impact Report" – Investment comprising the reconstruction of Odra River regulation facilities and its adaptation to Class III water way – in relation to the part of investment located within the Legnica district.

In the note dated 08 February 2011, ref. no.: ZNS-61-12BJZ the State District Sanitary Inspector in Środa Śląska provided a positive opinion on implementation conditions for the subject investment in terms of hygiene and health requirements, with a reservation that the opinion is related to a part of the investment located within the administrative boundaries of Środa Śląska district.

In the note dated 10 February 2011, ref. no.: ZNS-70-4-2/BD the State District Sanitary Inspector in Głogów provided an opinion on implementation conditions for the subject investment in terms of hygiene and health requirements, with a reservation that the construction design and the detailed design of River Odra regulation facilities – adaptation to Class III water way and that implementation of the subject investment should include the application of measures eliminating and limiting the occurrence of adverse environmental impact, as determined in documentation titled "Environmental

Impact Report for the Investment Related to the Reconstruction of River Odra Regulation Structures – Adaptation to Class III Water Way” Cracow 2010, KRAMEKO Sp. z o.o.

In the announcement of the Mayor of Czerwieńsk dated 10 June 2011, ref. no.: GGRiOŚ 7627-11/39/10/11 the parties were notified on collection of all evidence by the local authorities in case of the issuance of a decision on environmental conditions for the investment titled “Construction Design and Detailed Design for Reconstruction of river control infrastructure on the Odra River – Adaptation to the conditions of Class III waterway”. The parties of proceeding were informed on the possibility of commenting the collected evidence and materials prior to the issuance of requested decision, including acknowledgement with environmental conditions for implementation of the subject investment, as determined by the Regional Director for Environmental Protection in Gorzów Wlkp. and by the Regional Director for Environmental Protection in Wrocław, as well as with opinions of the following: State District Sanitary Inspector in Nowa Sól, State District Sanitary Inspector in Zielona Góra, State District Sanitary Inspector in Wołów, State District Sanitary Inspector in Góra, State District Sanitary Inspector in Słubice, State District Sanitary Inspector in Krosno Odrzańskie, State District Sanitary Inspector in Lubin, State District Sanitary Inspector in Legnica, State District Sanitary Inspector in Środa Śląska, State District Sanitary Inspector in Głogów. The subject announcement was placed on e.g. a notice board of the Community and City Office in Czerwieńsk and at the website of the local authorities, and also placed on notice boards in the following: City Office in Cybinka, City and Community Office in Wołów, City and Community Office in Prochowice, Community Office in Zielona Góra, City Office in Sulechów, Community Office in Rudna, Community Office in Głogów, Community Office in Kotla, City Office in Krosno Odrzańskie, Community Office in Zabór, City Office in Głogów, Community Office in Jemielno, Community Office in Malczyce, City Office in Środa Śląska, Community Office in Gubin, Community Office in Trzebiechów, Community Office in Bojadła, Community Office in Nowa Sól. Until today there were no remarks or applications related to the subject investment.

Based upon all evidence the following was established:

The planned investment consisting of the adaptation of River Odra to Class III water way shall be implemented as one of actions under the modernization of Odra Water System and development of Odra Water Way, which are included in the multi-annual governmental project “Programme for Odra 2006”.

The investment shall include construction works in the area of the reach of Odra channel with a length of about 260 km (river chainage from km 282 to km 542), located within Lower Silesian Voivodship and Lubuskie Voivodship. About 5,000 groynes in total are located within this reach. The most of them is damaged or destroyed.

Within the framework of investment it is expected to:

- Develop foundations made of plate fascine mattresses with a width of 4-10 m and a minimum length of 10 m,
- Develop fascine reinforcement with head-water drop of 1:1, tail-water drop of 1:2, head drop of 1:5, depending on section, where the works are to be done,
- Development of a palisade made of wooden piles with a length of 1.5 m and a diameter of 0.1 m, on a level of average low water calculated for the given regulation section,
- Development of underwater rip-rap made of natural stone with a minimum diameter of 30-40 mm,

- Development of connections to sewerage system, where necessary.

The works associated with the removal of millings shall mainly include extraction of bottom materials (draffed rubble) using excavators. That material shall partially be utilized for groynes located in vicinity, and its excess shall be store in fields between the groynes. On the stage of works water organisms, and especially mussels, shall be removed manually or using a dipper and transferred to neighboring areas beyond the performance site, or to areas where the works associated with the redevelopment of groynes have already been completed.

Basic materials to be applied during the works are stone and fascine. It is estimated that for the purpose of all works about 38,000 m³ of stone, 98,000 m³ of fascine, and 33,000 m² of cobblestones shall be used. Stone shall be obtained from a quarry closest in distance to the particular section of construction works. An additional source of stone shall be the material obtained during dredging of millings. Fascine material shall be obtained from State Forests' plantations. It is not expected to identify a demand for other construction materials. All materials, including machines and supplies, shall be delivered to construction sites using river barges.

The planned works shall be done from water using vessels. At performance of the works one shall apply the following devices: deck deliveries, top-flat barges, dredgers (extractor excavators with work capacity of 220-270 m³/s), pontoon cranes.

Based upon information included in the aforementioned documentation conditions for implementation and use of the investment have been defined, while assuring the protection of environment.

The assumed effect of the subject investment task is the adaptation of River Odra to Class III water way, and therefore its adaptation for the purpose of in-land navigation, because deliveries through water ways remain one of the most safe and low emission types of transportation, and they are specified by lower emission of pollutions reaching the natural environment than in case of wheel deliveries by land routes.

The planned investment is located in the area covered by a nature protection form in conformity with Regulation no. 3 of the Lubuskie Voivod of 17 Ferbruary 2005 on the areas of protected landscape (OJ of Lubuskie Voivodship no. 9, item 172 as amended), as the Area of Protected Landscape "18 – Krośnieńska Dolina Odry" and the Area of Protected Landscape "21 – Nowosolska Dolina Odry", within the boundaries of which a system of bans and limitations resulting from the aforementioned legal law act is binding. However, the subject investment meets rationale under Article 24 (2) item 3 of the Act of 16 April 2004 on the conservation of nature, in reference to Article 6 of the Act of 21 August 1997 on the properties management (OJ of 1997, no. 115, item 741 as amended), releasing implementation of the public investment from bans valid within Areas of Protected Landscape.

The proposed investment task is also located in the area requiring special protection due to the occurrence of species of plants and animals and their habitats, as well as natural habitats under protection within the framework of Natura 2000 Programme. Those areas are as follows, e.g.: area of special protection of birds PLB080004 "Dolina Środkowej Odry" and PLB020008 "Łęgi Odrzańskie" established based upon the regulation of the Minister of Environment of 12 January 2011 on the areas of special protection of birds (OJ no. 25, item 133), and areas of Community significance Natura 2000: PLH020018 "Łęgi Odrzańskie", OZW PLH080012 "Kargowskie Zakola Odry", OZW PLH080014 "Nowosolska Dolina Odry" approved with a decision of the European Committee of 10 January 2010 *adopting, pursuant to Council Directive 92/43/EEC, a fourth updated list of sites of Community*

importance for the Continental biogeographical region, and also the designed OZW PLH080028 "Krośnieńska Dolina Odry".

As a consequence, considering provisions under Article 33 (3) of the Act of 16 April 2004 on the protection of nature, the subject investment underwent a detailed analysis comprising identification of any possible impact and effect resulting from implementation of the subject investment, in junction with their assessment for the purpose of protection for Natura 2000 sites under risk.

As result of the assessment done, the Mayor of Czerwieńsk obliged the investor to observe conditions listed in Clause II of this decision, which shall necessarily be included on the implementation stage for the planned investment:

Conditions given in Clauses II.1 and II.2 were determined to assure the protection of ground, surface and ground waters against pollutions, the protection against emission of dusts and gases to air, and the protection against emission of noise to the environment.

Conditions listed in Clauses II.3 and II.4 were formed to exclude physical degradation of natural habitats and species and their habitats, for protection of which analyzed Natura 2000 sites were established, and also to exclude the possibility of polluting ground and water environment within Natura sites due to minor failures or bad technical condition of machines and vehicles and possible leakage of collected and stored materials, especially including oil derivatives in areas of the construction backyard. A necessity of observing the rule of frugal application of land for the aforementioned temporary purpose is associated with the aforementioned conditions.

The condition given under Clause II.5 was imposed to unequivocally exclude physical degradation (destruction) of priority resources of natural habitats 91E0 or 91F0 within Natura 2000 sites.

Condition II.6 and the deadline for implementation of the investment determined therein results from a necessity of assuring the proper protection status for species (i.e. black kite, red kite, middle spotted woodpecker, black woodpecker, crane, grey-headed woodpecker, European honey buzzard, barred warbler, kingfisher), for protection of which an area of special protection of birds during the breeding period was established – Natura 2000 PLB080004 "Dolina Środkowej Odry". Data on the location of habitats of the aforementioned species in the reach of planned investment's impact were taken from ornithological inventory done for the purpose of developing a draft protection plan for the area of special protection of birds Natura 2000 PLB080004 "Dolina Środkowej Odry". Furthermore, that provision would allow for meeting a postulate of experts developing the environmental impact report for the analyzed investment in the scope of required protection of spawning season for valuable species of fish.

Provisions under conditions given in Subclauses II.7 and II.8 are to eliminate adverse impact of the planned investment on landscape values of the River Odra valley, remaining the main protection objective of the Area of Protected Landscape "18 – Krośnieńska Dolina Odry", "21 – Nowosolska Dolina Odry".

Condition II.9 was imposed to minimize the potential impact of the subject investment on population of mussels, including species under strict protection based upon the regulation of the Minister of Environment of 28 September 2004 on the wild species of animals under protection (OJ no. 220, item 2237).

Condition under Clause II.10 results from the necessary limitation of changes to the Odra bank zone and of maintaining the most natural character of that zone.

Condition under Clause II.11 was imposed to protect ground and water environment, and especially to protect against uncontrolled leakage of oil derivative to the environment or failures of construction equipment.

Provisions under the condition given in Subclause II. 12 are to limit acoustic nuisance generated by construction machines and devices applied on the construction stage.

Provisions of conditions II.13-II.15 result from the necessary assurance of proper waste management and elimination of threat to the ground and water environment in the area covered by the investment project.

Hourly schedule for performance of construction and hydraulic works determined under Subclause II. 16 results from the necessary minimization of adverse impact of the subject investment on species of birds using the area in investment range during night activities.

Provisions under conditions II.17-II.21 are to assure implementation of the investment in terms of e.g. hygiene and health requirements.

The condition given in Clause II.22 is to eliminate a significant adverse impact on items, for protection of which the aforementioned Natura 2000 sites were established, and on other natural elements occurring within and in the direct neighborhood of the investment.

The obligation of performing an environmental monitoring, as given in Clause IV of this decision, was implemented to control measures and actions applied under the investment implementation , which minimize potentially adverse impact of the planned investment in the view of protection assumptions for the Natura 2000 sites under risk, i.e.: OSO PLB80004 "Dolina Środkowej Odry", OS PLB020008 "Łęgi Odrzańskie", OZW PLH080028 "Krośnieńska Dolina Odry", OZW PLK080012 "Kargowskie Zakola Odry", OZW PLH080014 "Nowosolska Dolina Odry", OZW PLH020018 "Łęgi Odrzańskie. The results of monitoring and conclusions drawn upon its basis, included in relevant analyzes, will decide on a necessity of undertaking further protective actions.

A detailed analysis of the investment in terms of the possible occurrence of adverse effects of its implementation, in view of the assumptions for protection of analyzed Natura 2000 sites, proved the absence of probability for occurrence of any disturbance among population species, which might have caused e.g.: reduction in number or density of populations in longer perspective; reduction of the reach of occurrence for species; deterioration of functioning of their populations (e.g. due to the increased death rate, limitation of reproduction possibilities); reduction of the area and quality of habitats for species or deterioration of chance to achieve the proper protection status by them in the future. Performance of environmental compensation was therefore not indicated, as included in Article 34 of the Act on the conservation of nature.

Analogous conclusions are also related to natural habitats, for protection of which areas with Community significance Natura 2000 were established, analyzed under the subject appraisal proceeding. Considering the scope, the location, and the nature of planned investment and environmental conditions for its implementation imposed under this decision, probability of deteriorating the status of natural habitats through: physical degradation, reduction of the area, modification of characteristic features of habitats, disturbance of ecological processes within the area was unequivocally excluded, and therefore the possibility of significant impact on protection objectives for analyzed Natura 2000 sites was excluded. Furthermore, it was identified that the planned construction works associated with the reconstruction of regulation facilities, i.e. groynes, significantly limited in terms of space and organization, shall generate

impact of local range, short-term, and fully reversible, which would be mainly associated with the time of implementation for the planned investment, also not causing adverse impact in connection with other investments on integrity of analyzed areas and their connection with other Natura 2000 sites.

Exclusion of the absence of significant adverse impact of the planned investment on protection assumptions for the analyzed Natura 2000 sites by the relevant environmental protection authorities allows for provision of a development consent in the mode under Article 33 (1) of the Act of 16 April 2004 on the conservation of nature.

Remaining nuisance resulting from the investment's implementation phase would mainly include: emission of pollution to air and emission of noise by operating construction machines and devices, means of transport delivering materials to the construction site and performing intended construction works. However, the aforementioned nuisances are of temporary character and shall be eliminated after handing the object for use. That impact may therefore be defined as minor, short-term, local, and reversible, as it shall be fully stopped after completion of the construction works.

Due to the detailed and unequivocal description of the technology planned for application and measures applied to reduce the nuisance for environment, in relation to the planned investment, a necessity of performing the environmental impact assessment was not identified under the proceeding on the issuance of decisions discussed under Article 72 (1) item 1 of the aforementioned *EIA Act*, provided that modification would not be implemented to the application for the issuance of the aforementioned decision in reference to requirements determined in the decision on environmental conditions and in the report.

As the investment is located in a major distance from the state boundaries and due to the range of investment impact, a necessity of performing a proceeding related to transboundary environmental impact was not identified.

The parties did not raise any remarks or applications during the performed administrative proceeding.

As a result of the above stipulations and based upon the provisions quoted in the beginning it was decided as given in the sentence.

INSTRUCTION

In accordance with Article 118 (1) of the Act on the conservation of nature, "performance of works including regulation of waters and construction of flood protection embankments, and also of amelioration works, construction drainages, and other earthworks modifying the water relations in areas of special natural values, and especially in areas, where groups of plants having special values in natural terms, area with landscape and ecological values, areas of mass breeding of birds, occurrence of groups of protected species and spawning grounds, wintering sites, fish passes and places of mass migration of fish and other water organisms, takes place based upon a decision of a regional director for environmental protection, who establishes conditions for performance of the works".

In accordance with Article 72 (3) of the Act of 3 October 2008 on the access to information about environment and its protection, public participation in environmental protection, and environmental impact assessments (OJ no. 199, item 1227 as amended), a decision on environmental conditions is attached to the application for the issuance of decisions discussed in item 1 (1-13). That application

should be filed not later than before four years from the day, when the decision on environmental conditions became final, with reservation made in item 4.

The party may appeal against this decision to the Self-Governing Appeal Board in Zielona Góra through the Mayor of Czerwieńsk within 14 days from the day of receiving.

In reference to Article 7 (2) of the Act of 16 November 2006 on the administrative fee (OJ no. 225, item 1635 as amended) the investor, i.e. Regional Water Management Authority in Wrocław, is released from the administrative fee.

MAYOR

Piotr Iwanus
Community and City Office
66-016 Czerwieńsk, 25. Rynek Street
VAT no. 929-00-15-775
tel. 68 327 80 41 fax. 68 327 80 91
tel. 68 327 81 79

This decision
Became final
Czerwieńsk, 08/29/2011

Appendix:

1. Characteristics of the planned investment.

Recipients:

1. Zbigniew Szymanowski
"Water Service" Sp. z o.o.
66/2. Dembowskiego Street, 51-669 Wrocław
2. Mayor of Krosno Odrzańskie
1. Parkowa Street, 66-600 Krosno Odrzańskie
3. Mayor of Cybinki
5. Szkolna Street, 69-108 Cybinka
4. Zielona Góra Commune Administrator
41. Generała Jarosława Dąbrowskiego Street, 65-021 Zielona Góra
5. Zabór Commune Administrator
15. Lipowa Street, 66-030 Zabór
6. Mayor of Głogów
10. Rynek Street, 67-200 Głogów
7. Głogów Commune Administrator
2B. Słodowa Street, 67-200 Głogów
8. Jemielno Commune Administrator
81. Jemielno, 56-209 Jemielno
9. Rudna Commune Administrator

15. Zwycięstwa Square, 59-305 Rudna
10. Mayor of Wołów
Rynek – Ratusz, 56-100 Wołów
11. Malczyce Commune Administrator
15. Traugutta Street, 55-320 Malczyce
12. Mayor of Prochowice
1. Rynek Street, 59-230 Prochowice
13. Mayor of Środa Śląska
5. Wolności Square, 55-300 Środa Śląska
14. Mayor of Sulechów
6. Ratuszowy Square, 66-100 Sulechów
15. Gubin Commune Administrator
24A. Piastowska Street, 66-620 Gubin
16. Trzebiechów Commune Administrator
2. Sulechowska Street, 66-132 Trzebiechów
17. Bojadła Commune Administrator
35. Sulechowska Street, 66-130 Bojadła
18. Nowa Sól Commune Administrator
3A. Moniszuki Street, 67-100 Nowa Sól
19. Kotła Commune Administrator
93. Gogowska Street, 67+240 Kotła

CC:

1. Regional Director for Environmental Protection in Gorzów Wlkp.
8. Jagiellończyka Street, 66-400 Gorzów Wlkp.
2. Regional Director for Environmental Protection in Wrocław
1. Powstańców Warszawy Square, 50-951 Wrocław
3. PPIS in Zielona Góra
10. Jasna Street, 65-470 Zielona Góra
4. PPIS in Krosno Odrzańskie
24. Świerczeskiego Street, 66-600 Krosno Odrzańskie
5. PPIS in Słubice
4. Mickiewicza Street, 69-100 Słubice
6. PPIS in Nowa Sól
11. Wojska Polskiego Street, 67-100 Nowa Sól
7. PPIS in Głogów
4. Piotra Skargi Street, 67-200 Głogów
8. PPIS in Lubin
15. 1 Maja Street, 59-300 Lubin
9. PPIS in Legnica
24. Mickiewicza Street, 59-220 Legnica
10. PPIS in Wołów

- 36. Piłsudskiego Street, 56-100 Wołów
- 11. PPIS in Środa Śląska
 - 5. Ogrody Zamkowe Street, 55-300 Środa Śląska
- 12. PPIS in Góra
 - 6. Hirszfelda Street, 56-200 Góra
- 13. File

Case managed by:

Tomasz Pietruszka

Department Manager GGRIOŚ

Room no. 109

Tel. 68 327 81 79