

Państwowe Gospodarstwo Wodne Wody Polskie [State Water Holding Polish Waters]

*Regionalny Zarząd Gospodarki Wodnej we Wrocławiu
[Regional Water Management Authority in Wrocław]*

ANNEXE No. 3 TO THE ENVIRONMENTAL MANAGEMENT PLAN

FINAL VERSION

ODRA-VISTULA FLOOD MANAGEMENT PROJECT - 8524 PI

Environmental category B – pursuant to OP 4.01 BŚ

Component 2:

Flood protection for Kłodzka Valley

Contract for works 2A.2:

*Construction of the dry flood control reservoir
on Bystrzyca Dusznicka in Szalejów
and*

*Construction of the dry flood control reservoir
on Duna stream in Krosnowice*

Task 2A.2/1:

*Construction of the dry flood control reservoir
on Bystrzyca Dusznicka in Szalejów*

Issue	Date	Author	Checked by	Approval by the Client	Description
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ODRA - VISTULA FLOOD MANAGEMENT PROJECT

co-financed by:

World Bank, Loan Agreement No. 8524 PL

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Cohesion Fund of the European Union (IEOP 2014- 2020)

State budget

ENVIRONMENTAL MANAGEMENT PLAN

Component: *2 - Flood protection for Kotlina Kłodzka*

Sub-component: *2A – Active protection*

Contract: *2A.2 - Construction of Bystrzyca Dusznicka - a dry flood control reservoir in Szalejow and construction of a dry flood control reservoir on Duna Stream in Krosnowice*

Part of the Contract: *Implementation of Task 2A.2/1 Construction of a dry flood control reservoir on Bystrzyca Dusznicka River in Szalejow*

Project Implementation Unit:

Państwowe Gospodarstwo Wodne Wody Polskie [State Water Holding Polish Waters]

Regionalny Zarząd Gospodarki Wodnej we Wrocławiu [Regional Water Management Authority in Wrocław]

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PIU OVFMP

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Wrocław, August 2023

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Appendix 1 – Decision of the Regional Director for Environmental Protection dated May 25th 2023 (File No.: WPN.6401.327.2020.MH.1) changing the final decision No. WPN.6401.268.2016.IL of August 26th 2016, changed by the decision File No.: WPN.6401.327.2020.MH of November 23rd 2020 on extending the permit expiry date.

Appendix 2 – Resolution of the Regional Director for Environmental Protection dated July 19th 2023, File No.: WPN.6401.327.2020.MH.2 related to correcting the mistake in the decision of the RDEP in Wrocław, File No.: WPN.6401.327.2020.MH.1 of May 25th 2023.

Appendix 3 – Resolution of the Regional Director for Environmental Protection dated August 9th 2023(File No.: WPN.6401.327.2020.MH.3) on correcting the mistake in the resolution of the Regional Director for Environmental Protection in Wrocław (File No.: WPN.6401.327.2020.MH.2) dated July 19th 2023.

1. INTRODUCTION

Considering the planned completion date of the construction works under 2A.2/1 Contract - *Construction of a dry flood control reservoir o Bystrzyca Dusznicka River in Szalejów*, implemented under the OVFMP, it turned out necessary to re-extend the expiry date of the decision of the Regional Director for Environmental Protection in Wrocław of November 23rd 2020 (file No.: WPN.6401.327.2020.MH) changing the decision of the Regional Director for Environmental Protection in Wrocław (File No.: WPN.6401.268.2016.IL) dated August 26th 2016.

The decision *on issuing the permit for deviations from the bans in relation to the protected fauna species* has been extended until June 30th 2024 by the decision of the Regional Director for Environmental Protection dated May 25th 2023 (File No.: WPN.6401.327.2020.MH.1). Completion of the entire works involving construction of Szalejów reservoir is planned within the period.

Owing to the necessity of implementing modifications in the wording of some mitigating and monitoring activities, which specify the permits expiry date, it is necessary to make changes in the currently binding EMP. This Annexe No. 3 being prepared for the EMP for 2A.2/1 Contract contains and orders the necessary supplements which, once the World Bank's NO is obtained, become the works performance conditions for the Parties to the Contract. Therefore what is added to the EMP dated July 4th 2017, in Appendix No. 4, is the decision of the Regional Director for Environmental Protection of May 25th 2023 (File No.: WPN.6401.327.2020.MH.1) changing the decision No. WPN.6401.327.2020.MH of November 23rd 2020, which changed the decision of August 26th 2016 (File No.: WPN.6401.268.2016.IL), on extending the permit's expiry date and the resolution of the Regional Director for Environmental Protection in Wrocław, File No.: WPN.6401.327.2020.MH.2 dated July 19th 2023, correcting the obvious writing mistake made in the decision dated May 25th 2023 (File No.: WPN.6401.327.2020.MH.1), as well as the resolution of the Regional Director for Environmental Protection in Wrocław of August 9th 2023 (file No.: WPN.6401.327.2020.MH.3) on correcting the mistake in the resolution of the Regional Director for Environmental Protection in Wrocław (File No.: WPN.6401.327.2020.MH.2) dated July 19th 2023.

2. ENVIRONMENTAL CONDITIONS FOR THE CONTRACT IMPLEMENTATION

The changes implemented in the EMP content do not impact the conditions for the investment implementation. The necessity for implementing a change of the permits expiry deadline for deviations from the bans applicable in relation to the protected fauna species constitutes compliance with the formal and legal requirements resulting from the currently agreed works execution deadline.

3. MITIGATING AND MONITORING ACTIVITIES

The works Contractor is obliged to exercise all measures that might be adequate for the type of the performed works, conditions of works execution defined in appendices to EMP for 2A.2/1 Contract: Appendix 1 Mitigating Measures Plan, Appendix 2 Monitoring Measures Plan

Should such need be determined at the works execution stage, any required administrative decisions shall be obtained by the Contractor.

For the works execution purposes the following EMP conditions stipulated in Appendix 1 and 2:

Item 126. Implementation of the RDEP decision permitting derogation from the bans concerning the animal species protection

[insofar text]

Considering the Task implementation, the decision of the RDEP in Wroclaw of 26.08.2016 for the dry flood control reservoir Szalejów Górny on Bystrzyca Dusznicka River (sign: WPN.6401.268.2016.IL - appendix No. 4d to this EMP) changed by the decision dated 23.11.2020 (file No. WPN.6401.327.2020.MH – Appendix No. 2 to this annexe) the following permissions were granted regarding the specimen and habitats of protected fauna species, located within the Task implementation area, in the valley of Bystrzyca Dusznicka [from km 8+300 to km 12+500 of the river], between Szalejów Górny, Szalejów Dolny (in the north and in the west), Siemków (in the east) and the line of the ridge separating Szalejów Górny and Szalejów Dolny from Stary Wielisław (in the south):

- 1) in relation to 5 protected species of amphibians and reptiles mentioned in item 1 of the aforementioned decision, it is allowed to perform the actions described in item 1 of the aforesaid decision;
- 2) in relation to 1 protected species of reptile mentioned in item 2 of the aforementioned decision, it is allowed to perform the actions described in item 2 of the aforesaid decision;
- 3) in relation to 2 protected species of fish and lampreys mentioned in item 3 of the aforementioned decision, it is allowed to perform the actions described in item 3 of the aforesaid decision;
- 4) in relation to 1 protected species of mammal mentioned in item 4 of the aforementioned decision, it is allowed to perform the actions described in item 4 of the aforesaid decision;
- 5) in relation to 2 protected species of mammals mentioned in item 5 of the aforementioned decision, it is allowed to perform the actions described in item 5 of the aforesaid decision;
- 6) in relation to 6 protected species of bats mentioned in item 6 of the aforementioned decision, it is allowed to perform the actions described in item 6 of the aforesaid decision;
- 7) in relation to 2 protected species of bats mentioned in item 7 of the aforementioned decision, it is allowed to perform the actions described in item 7 of the aforesaid decision;
- 8) in relation to 58 protected species of birds mentioned in item 8 of the aforementioned decision, it is allowed to perform the actions described in item 8 of the aforesaid decision;
- 9) in relation to 4 protected species of birds mentioned in item 9 of the aforementioned decision, it is allowed to perform the actions described in item 9 of the aforesaid decision.

The aforementioned permits were granted on the following conditions:

- a) perform activities related to trapping and relocation of specimens of the protected species from the construction site, as described in item 17, 34 and 37 of this table;
- b) implementation of the permit in question along with conditions imposed under the decision of the RDEP in Wrocław on 30.09.2015 on the environmental conditions for construction of the dry flood control reservoir Szalejów Góry on Bystrzyca Dusznicka River (sign: WOOŚ.4233.8.2013.ŁCK.54 – appendix No. 4a and b).

The permissions set out in the above mentioned decision are valid until June 30th 2023.

Information about the permits utilization scope for the aforesaid decisions shall be submitted to the Engineer in accordance with the conditions set out in item 137.

[after modification]

Considering the Task implementation, the decision of the RDEP in Wrocław of 26.08.2016 for the dry flood control reservoir Szalejów Góry on Bystrzyca Dusznicka River (sign: WPN.6401.268.2016.IL - appendix No. 4d to this EMP) changed by the decision dated 23.11.2020 (File No. WPN.6401.327.2020.MH - appendix No. 4f to this EMP) and then changed by the RDEP's decision dated May 25th 2023 (File No.: WPN.6401.327.2020.MH.1 - appendix No. 4g to this EMP) and the resolution of 19.07.2023 (File No.: WPN.6401.327.2020.MH.2 – appendix 4h to this EMP) and, by the resolution dated August 9th 2023 (file No.: WPN.6401.327.2020.MH.3 – appendix 4i to this EMP), the following permissions were granted regarding the specimen and habitats of protected fauna species, located *within the Task implementation area*, in the valley of Bystrzyca Dusznicka [from km 8+300 to km 12+500 of the river], between Szalejów Góry, Szalejów Dolny (in the north and in the west), Siemków (in the east) and the line of the ridge separating Szalejów Góry and Szalejów Dolny from Stary Wielisław (in the south):

- 1) in relation to 5 protected species of amphibians and reptiles mentioned in item 1 of the aforesaid decision, it is allowed to perform the actions described in item 1 of the aforesaid decision;
- 2) in relation to 1 protected species of reptile mentioned in item 2 of the aforesaid decision, it is allowed to perform the actions described in item 2 of the aforesaid decision;
- 3) in relation to 2 protected species of fish and lampreys mentioned in item 3 of the aforesaid decision, it is allowed to perform the actions described in item 3 of the aforesaid decision;
- 4) in relation to 1 protected species of mammal mentioned in item 4 of the aforesaid decision, it is allowed to perform the actions described in item 4 of the aforesaid decision;
- 5) in relation to 2 protected species of mammals mentioned in item 5 of the aforesaid decision, it is allowed to perform the actions described in item 5 of the aforesaid decision;
- 6) in relation to 6 protected species of bats mentioned in item 6 of the aforesaid decision, it is allowed to perform the actions described in item 6 of the aforesaid decision;
- 7) in relation to 2 protected species of bats mentioned in item 7 of the aforesaid decision, it is allowed to perform the actions described in item 7 of the aforesaid decision;
- 8) in relation to 58 protected species of birds mentioned in item 8 of the aforesaid decision, it is allowed to perform the actions described in item 8 of the aforesaid decision;
- 9) in relation to 4 protected species of birds mentioned in item 9 of the aforesaid decision, it is allowed to perform the actions described in item 9 of the aforesaid decision.

The aforesaid permits were granted on the following conditions:

- a) perform activities related to trapping and relocation of specimens of the protected species from the construction site, as described in item 17, 34 and 37 of this table;
- b) implementation of the permit in question along with conditions imposed under the decision of the RDEP in Wrocław on 30.09.2015 on the environmental conditions for construction of the dry flood control reservoir Szalejów Górny on Bystrzyca Dusznicka River (sign: WOOŚ.4233.8.2013.ŁCK.54 – appendix No. 4a and b).

The permission set out in the above mentioned decision is valid until June 30th 2024.

Information about the permits utilization scope for the aforesaid decisions shall be submitted to the Engineer in accordance with the conditions set out in item 137.

Item 137. Providing information on the utilization scope of the permits listed in item 125 and 126 in Appendix 1 EMP to the decision of the RDEP in Wrocław

[insofar text]

Information about the implementation scope of the permits listed in item 125 and 126 (i.e. the permits specified in 2 decisions of the RDEP dated 26.08.2016 changed by the decisions dated 23.11.2020) should be submitted to the RDEP in Wrocław according to the following rules:

- The Contractor shall submit the above information to the Engineer not later than on December 15th of the given year and until June 15th 2023;
- the Engineer shall submit the above information to the Employer within 15 calendar days from the receipt of the aforementioned information from the Contractor (however not later than by December 31st of a given year and no later than June 30th, 2023);
- The Employer shall submit the above information to RDEP in Wrocław not later than until January 15th of the next year and July 15th in 2023 (the last report).

[after modification]

Information about the implementation scope of the permits listed in item 125 and 126 (i.e. the permits specified in decisions of the RDEP's decisions, i.e. in item 125 dated 23.11.2020 and item 126 dated 25.05.2023) should be submitted to the RDEP in Wrocław according to the following rules:

- The Contractor shall submit the above information to the Engineer not later than on December 15th of the given year and until June 15th 2024;
- the Engineer shall submit the above information to the Employer within 15 calendar days from the receipt of the aforementioned information from the Contractor (however not later than by December 31st of a given year and no later than June 30th 2024);
- The Employer shall submit the above information to RDEP in Wrocław not later than until January 15th of the next year and until July 15th in 2024 (the last report).