

Date 2.07.2020

Zielona Góra, 29 June 2020

DW.1.7131.25.2020.

No ZPT.011.38.2020 Signature 

### DECISION

Pursuant to Article 104 of the Law of 14 June 1960 – Code of Administrative Procedure (consolidated text: Journal of Laws of 2018 item 256, as amended), in conjunction with Article 9a(1) and (3) of the Act of 13 October 1995 Hunting Law (consolidated text: Journal of Laws of 2020, item 67, as amended) and section 1 (1) (2o, s, x) of the Regulation of the Minister of the Environment of 11 March 2005 on establishing the list of game species (Journal of Laws of 2005, No. 45, items 433 and 434), having examined the application of 02.04.2020, ref.: POPDOW-ZPT.070.4.2020 submitted by Krystyna Araszkiwicz, Sweco Consulting Sp. z o.o., ul. Łyskowskiego 16, 71-641 Szczecin, acting under the power of attorney of State Water Management Polish Waters The Regional Water Management Authority in Szczecin, ul. Tama Pomorzańska 13A 70-030 Szczecin, taking into account the opinion of 04.02.2020, ref.: 356/2020 of the District Board of the Polish Hunting Association in Gorzów Wielkopolski,

#### I hereby allow

State Water Management Polish Waters The Regional Water Management Authority in Szczecin ul. Tama Pomorzańska 13A, 70-030 Szczecin, for the activities of scaring wild animals of the following species: teal (*Anas crecca*), greylag goose (*Anser anser*), white-fronted goose (*Anser albifrons*), taiga bean goose (*Anser fabalis*), mallard (*Anas platyrhynchos*), common pochard (*Aythya ferina*), Eurasian coot (*Fulica atra*), in connection with the intention to implement the planned project under Component 1 of the Odra-Vistula Flood Management Project consisting in modernization works on boundary sections of Odra River I to provide good condition for ice-breaking (Stage I) and modernisation of the river control structures on boundary sections of Odra River (Stage II).

The works will cover sections of the Odra, in the Lubuskie voivodeship, the districts of Słubice and Gorzów; within the limits of the listed registered plots:

- Stage I - section 1: 581.0 - 585.7 km - area of Słubice: 080505\_5.0010.792/3, 080505\_5.0010.792/5, 080505\_5.0010.792/6, 080505,4.0001.42/3, 080505,4.0001.43/3, 080505,4.0001.43/2, 080505,4.0001.438, 080505,4.0001.439/2;
- Stage I - section 2: 604.0 - 605.0 km - area of Górzycy - Reitwein: 080502,2.0001.362/1, 080502,2.0001.183, 080502,2.0001.184, 080502,2.0001.363, 080502,2.0001.362/2;
- Stage I - section 3: 613.5 - 614.7 km - area of Kostrzyn nad Odrą and 613.1 - 614.5 km; 080502\_2.0001.3, 080101J.0006.1,080502\_2.0001.1, 080502\_2.0001.2/2, 080502\_2.0001.2/5.
- Stage II - end of longitudinal dam: - Section 4: 645.5 - 654.0 km - area of Gozdowice - Stara Rudnica;

- section 5: 654.0 - 663.0 km - area of Stara Rudnica - Osinów Dolny.

The planned investments will include the following works: demolition and reconstruction of the existing groynes and the construction of new ones, the demolition of the longitudinal dams and the construction of new ones, the demolition of the existing revetments and river walls and the construction of new ones.

1. The scaring of game will take place on the abovementioned registered plots located in the commune of Słubice and Górzycza, Słubice district and the commune of Kostrzyn nad Odrą, Gorzów district, Lubuskie voivodeship.

2. The investor or the investor's representative shall notify the issuing authority of the date of investment commencement in writing, no later than 14 days before the investment starts.

3. In the course of investment implementation, disturbance will take place due to the presence of people participating in the investment process and noise: movement of heavy equipment and machinery, operation of equipment directly related to the conducted works.

4. In the event of any damage caused as a result of game disturbance, the injured party may file claims against the investor in the course of civil law proceedings including referring the case to court through a competent common court.

5. To assess the implementation conditions resulting from the need to protect populations of game species and their habitats, possible negative impact or minimisation of the impact of investment on game species, creating conditions for the safe existence of game:

5.1 the investor will appoint an environmental supervision team who will assess game habitats before the investment begins, if necessary during its duration, and after its completion, and, additionally, if there is a necessity to perform assessment at the request of the person issuing the permit on the basis of control activities.

5.2 in the area of investment implementation (Article 9a (3) (4) of the Hunting Law), supervision over the disturbance of game is additionally entrusted to:

- individual forest inspectors for the investment areas in the Forestry Inspectorate: Dębno, Ośno Lubuskie, Rzepin.

- in other areas according to the territorial jurisdiction of the mayor of: Kostrzyn nad Odrą and Słubice.

6. The following persons will be authorized to carry out checks of the issued permit in the field:

6.1 in areas of the relevant Forestry inspectorate Inspector: Dębno, Ośno Lubuskie, Rzepin.

6.2 in other areas according to the territorial jurisdiction of the mayor of: Kostrzyn nad Odrą, Słubice.

6.3 authorized employees of the office of the Lubuskie Voivodeship Marshal in Zielona Góra.

7. The recipient of the permit is obliged to immediately notify the issuing authority in the event of its early use.

8. The permit holder will submit a report to the permit issuer within 30 days of its use.
9. In order to ensure the correct use of the permit for a derogation from the ban on disturbing game, the Marshal of the Lubuskie Voivodeship checks whether the conditions set out in the permit issued are complied with and in the event of non-compliance, revokes the permit (Article 9 a (4) in connection with Article 44 (12) of the Hunting Law).
10. The permit is valid from 01 March 2021 to 28 February 2023.

#### Explanatory statement

Krystyna Araszkiwicz, Sweco Consulting Sp. z o.o., ul. Łyskowskiego 16, 71-641 Szczecin, acting under the power of attorney of State Water Management Polish Waters The Regional Water Management Authority in Szczecin, ul. Tama Pomorzańska 13 A 70 - 030 Szczecin, with the application of 02 April 2020 ref.: POPDOW-ZPT.070.4.2020 requested the permission of the Marshal of the Lubuskie Voivodeship to derogate from the ban on scaring wild animals of the following species: teal (*Anas crecca*), greylag goose (*Anser anser*), white-fronted goose (*Anser albifrons*), taiga bean goose (*Anser fabalis*), mallard (*Anas platyrhynchos*), common pochard (*Aythya ferina*), Eurasian coot (*Fulica atra*), in connection with the intention to implement the planned project under Component 1 of the Odra-Vistula Flood Management Project consisting in modernization works on boundary sections of Odra River I to provide good condition for ice-breaking (Stage I) and modernisation of the river control structures on boundary sections of Odra River (Stage II). The works will cover sections of the Odra, in the Lubuskie voivodeship, the districts of Słubice and Gorzów; within the limits of specified registered plots. The following documents were attached to the application:

1. Topographic maps (3 pcs) with the investment location marked.
2. Confirmation of 27.03.2020 of payment of stamp duty for issuing the permit and power of attorney in the case.
3. Notary certification Power of Attorney of 28.05.2019, ref.: SZ.ROO.012.98.2019.MG.

In accordance with art. 9a (1) of the Hunting Law, having consulted the Polish Hunting Association, the marshal of the province may allow a derogation from the ban on game disturbance. The permit may be issued in the absence of alternative solutions and if it is not detrimental to the conservation of wild game populations. Pursuant to section 1(1)(2 t,o,r,p,s,u,z) of the Regulation of the Minister of the Environment of 11 March 2005 on establishing the list of game species (Journal of Laws of 2005, No. 45, items 433 and 434 ) the teal (*Anas crecca*), greylag goose (*Anser anser*), white-fronted goose (*Anser albifrons*), taiga bean goose (*Anser fabalis*), mallard (*Anas platyrhynchos*), common pochard (*Aythya ferina*), Eurasian coot (*Fulica atra*) are game species.

By the letter of 17.04.2020 (ref.: DW.1.7131.25.2020 pursuant to the provisions of Art. 9a (1) of the Hunting Law, the District Board of the Polish Hunting Association in Gorzów Wielkopolski was asked for an opinion on the matter. By the letter of 24.04.2020 (ref.: Ref. 356/2020 The District Board of the Polish Hunting Association in Gorzów Wielkopolski gave a positive opinion regarding the issue of the permit in question, while also declaring that, taking into account the course of the planned investment and the diversity and configuration of the area, the investment in question would not have a significant impact on game birds in the area. The director of the Regional Directorate of State Forests in Szczecin and other parties did not raise any objections or reservations in this matter.

In view of the above, taking into account the analyses carried out, issuing a permit for a derogation from the ban on disturbing the abovementioned game animals in connection with project implementation is fully justified.

#### Instruction

Parties may appeal against the permit to the Self-government Appeals Court in Zielona Góra through my office, within 14 days of the date of permit receipt.

Please be advised that pursuant to Article 127a of the Code of Administrative Procedure, the Parties may waive the right to appeal against the authority that issued the decision during the period for appeal, and that the decision shall become final and binding on the date the authority receives the statement of waiver of the right to appeal from the last of the Parties to the proceedings.



z up. MARSZAŁKA WOJEWÓDZTWA  
Wojewódzki Kabinet  
Dyrektor Departamentu  
Rolnictwa, Zasiadów Maternalnych,  
Rybnactwa i Rozwoju Wsi

Recipients:

1. Regional Directorate of State Forests in Szczecin  
ul. Słowackiego 2, 71-434 Szczecin
  
2. District Board of the Polish Hunting Association  
in Gorzów Wielkopolski, ul. Kosynierów Gdyńskich 20 G  
66-400 Gorzów Wlkp.
  
3. Dębno Forest Inspectorate  
ul. Raclawicka 33, 74-400 Dębno
  
4. Ośno Lubuskie Forest Inspectorate  
ul. Rzepińska 11, 69-220 Ośno Lubuskie
  
5. Rzepin Forest Inspectorate  
ul. Puszczy Rzepińskiej 11, 69-110 Rzepin
  
6. Kostrzyn nad Odrą Town Hall  
ul. Graniczna 2, 66-470 Kostrzyn nad Odrą
  
7. Słubice Town Hall  
ul. Akademicka 1, 69-100 Słubice
  
8. Krystyna Araszkiwicz of Sweco Consulting sp. z o.o.,  
ul. Łyskowskiego 16, 71-641 Szczecin (Poland)
  
9. To files

The stamp duty in the amount of PLN 82.00 and payment for granting the power of attorney in the amount of PLN 17 was paid on 13.01.2020 to the account of the Zielona Góra City Hall, operation: fee for issuing a derogation decision - game species - Task 1 B.2. The above is in accordance with the Act of 16 November 2006 on stamp duty (consolidated text Journal of Laws of 2019, item 1000, as amended), annex to the act art. 1 (1) (1c), part III No. 44 point 2 - permission (permit, license) other than those listed in this annex: other and art. 1 (1) (2) part IV.