

**REGIONAL DIRECTOR FOR
ENVIRONMENTAL PROTECTION
IN CRACOW**

OO.420.4.4.2018.BM

Cracow, 4 September 2017

DECISION

Based upon Article 113 (1) of the Act of 14 June 1960 Administrative Proceeding Code (OJ of 2017, item 1257, consolidated text),

I rectify obvious mistakes, as requested by the party,

in 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 at the Dłubnia River in the City of Cracow”**, as follows:

- **In contents of the decision on page 10, in item e) the sentence stating:** *“The closest site – Łąki Nowohuckie PLH120069 – is located in a distance of about 1.5 km south from the closest boundary of the investment site”* shall be replaced with a sentence stating: *“The closest site – Łąki Nowohuckie PLH120069 – is located in a distance of about 1.5 km west from the closest boundary of the investment site”*;
- **In contents of the decision on page 10, in item e), third paragraph counting from the bottom of the page, the sentence stating:** *“The environmental inventory done within the analyzed area did not prove the occurrence of partially or strictly protected species of plants and animals”* shall be replaced with a sentence stating: *“The environmental inventory done within the analyzed area did not prove the occurrence of partially or strictly protected species of plants”*;
- **In contents of the decision on page 10, in item e), second paragraph counting from the bottom of the page, the sentence stating:** *“Furthermore, the environmental inventory done within the analyzed area did neither prove the occurrence of protected animal species nor any traces of their presence”* shall be replaced with a sentence stating: *“Furthermore, the environmental inventory done within the analyzed area did neither prove the occurrence of protected mammals species nor any traces of their presence”*;
- **In contents of the decision on page 11, in the fifth paragraph counting from the top of the page, the sentence stating:** *“The subject logging shall be done beyond the birds’ hatching period, i.e. from 1 September to 28 March”* shall be replaced with a sentence stating: *“The subject logging shall be done beyond the birds’ hatching period, i.e. from 1 October to 28 February”*;
- **In contents of the decision on page 13, in item k) the sentence stating:** *“The planned development of the left embankment section for the Dłubnia River is located within body of surface water BSW Dłubnia od Minóžki (bez Minóžki) do ujścia, with European code PLRW2000921376”* shall be replaced with a sentence stating: *“The planned development of the left embankment section for the Dłubnia River is located within body of surface water BSW Dłubnia od Minóžki (bez Minóžki) do ujścia, with European code PLRW20009213769”*.

JUSTIFICATION

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 aforementioned investment contained some editorial mistakes, which included: improper provision of the location for the Natura 2000 site – Łąki Nowohuckie PLH120069 – in reference to the planned investment; improper determination of the time for logging of trees (beyond the hatching period); and also improper provision of the European code for the Body of Surface Water Dłubnia od Minóžki (bez Minóžki) do ujścia.

Furthermore, contents of the sentence related to the environmental inventory concerning the occurrence of protected species of plants contained by mistake a provision referring to animals. Whereas, the sentence related to the environmental inventory referring to the occurrence of protected animal species did not – by mistake – detail that it is related to mammals.

Information to be adjusted as given above contained proper provisions in the investment data sheet.

An application for rectifying an obvious mistake was filed by Mrs. Barbara Chammas, AECOM Polska Sp. z o.o., 1. Pokoju Alley, 31-548 Cracow, acting based upon the power of attorney provided by the Investor, i.e.: State Water Holding Polish Waters RZGW in Cracow, in the note dated 07/31/2018, ref. no.: POPDOW/KR/60549311/18/0350. This decision of the Regional Director for Environmental Protection in Cracow (dated 09/04/2017, ref. no.: OO.4233.1.2017.BM) on environmental conditions has been issued for the previous Investor, i.e.: Lesser Poland Voivodship – Lesser Poland Board of Amelioration and Water Structures in Cracow. From 1 January 2018, based upon the Act of 20 July 2017 Water Law, competences and entitlements of that unit were taken over by the State Water Holding Polish Waters Regional Water Management Authority in Cracow.

In conformity with Article 113 (1) of the Act of 14 June 1960 Administrative Proceeding Code, the public administration unit may ex officio or based upon a request of the party rectify editorial and accounting mistakes and other obvious mistakes in decisions issued by that unit in a resolution.

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

Instruction

The party may appeal against this decision to the General Director for Environmental Protection in Warsaw through the Regional Director for Environmental Protection in Cracow within 7 days from its serving date.

Regional
Director for Environmental Protection
in Cracow
Rafał Rostecki MSc

Recipients:

1. Investor's Proxy – Mrs. Barbara Chammas, AECOM Polska Sp. z o.o., Project Office, 1. Pokoju Alley, 31-548 Cracow,
2. Remaining parties of the proceeding notified in the mode under Article 49 APC,
3. OO.BM file.

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.
- 8) A legal basis for processing of your personal data are provisions of the Act of 3 October 2008 on access to information on the environment and its protection, public participation in environmental protection and environmental impact assessments, and of the Act on Administrative Proceeding Code.