

REGIONAL DIRECTOR FOR
ENVIRONMENTAL PROTECTION
IN CRACOW

OP-I.6401.12.2021.GZ

Cracow, January 22, 2021

D E C I S I O N

Pursuant to Article 104 and 155 of the Code of Administrative Procedure (consolidated text: Journal of Laws of 2020, item 285, as amended) and Article 56 (2) items 1 and 2 and (4) item 3 of the Act of April 16, 2004 on nature protection (consolidated text: Journal of Laws of 2020, item 55, as amended), in connection with Article 6 (1) items 2, 7, 8, and 12 of the Regulation of the Minister of the Environment of December 16, 2016 on the protection of animal species (Journal of Laws of 2016, item 2183; as amended: Journal of Laws of 2020, item 26), after examining into the application of the State Water Holding Polish Waters with its registered office in Warsaw, 59A. Żelazna Street, represented by the Director of Regional Water Management Authority in Cracow, acting through the Proxy, Mr. Dariusz Adamek (AECOM Polska Sp. z o.o. – based upon the power of attorney dated January 12, 2021, ref.: KR.ROO.0120.8.2021.PP), as developed on January 13, 2021 (reception date: January 13, 2021), on modification of the decision of the Regional Director for Environmental Protection in Cracow dated December 18, 2020, ref. no.: OP-I.6401.404.2020.GZ,

I A M E N D

the decision of the Regional Director for Environmental Protection in Cracow dated December 18, 2020, ref. no.: OP-I.6401.404.2020.GZ, as follows:

- In clause I of the decision the provision stating the following:
“Design and Construction Supervision. Management, Technical Assistance and Training Technical Support for the Project and Strengthening of PIO’s Institutional Capacity”
is replaced with the following:
“Works Contract 3A.2/3: Flood protection in Serafa Valley – Malinówka 3 Reservoir”;
- In clause I (4) of the decision the words “pine bunting (*Emberiza leucocephalos*)” are replaced with the words ***“yellowhammer (Emberiza citrinella)”***;
- In contents of the decision’s justification each time replace the words “pine bunting (*Emberiza leucocephalos*)” with the words ***“yellowhammer (Emberiza citrinella)”***;
- In contents of the decision’s justification the provision stating *“Design and Construction Supervision. Management, Technical Assistance and Training Technical Support for the Project and Strengthening of PIO’s Institutional Capacity”* is replaced with the provision stating ***“Works Contract 3A.2/3: Flood protection in Serafa Valley – Malinówka 3 Reservoir”***.

JUSTIFICATION

Mr. Dariusz Adamek, the proxy (based upon the power of attorney dated January 12, 2021, ref.: KR.ROO.0120.8.2021.PP) of the Director of the Regional Water Management Authority in Cracow, who is a representative of the State Water Holding Polish Waters with its registered office in Warsaw, 59A. Żelazna Street, 00-848 Warsaw, applied on January 13, 2021 (reception date: January 13, 2021) to the Regional Director for Environmental Protection in Cracow for modification of the decision of the Regional Director for Environmental Protection in Cracow dated December 18, 2020, ref. no.: OP-I.6401.404.2020.GZ, which allowed for departure from bans referring to the protected species of animals due to implementation of the investment in the valley of Malinówka Stream, which remains a left tributary river for the River Serafa, within register plots no.: 126/6, 126/7, 126/8, 126/9, 126/12, 141/1, 141/2, 142/1, 143/3, 144/3, 164/1, 165/1, 166/1, 167/2, 168/1, 170/2, 170/3, 171/4, 171/8, 171/9, 171/10, 171/11, 176/1, 177/2, 177/3, 178/2, 178/3, 178/5, 178/6, 178/7, 178/8, 178/9, 178/10, 178/11, register unit 99 Podgórze, and no.: 187/16, 187/50, 187/54, 187/9, 188/12, 188/35, 188/36, 188/38, 189/8, 189/9, 197/4, 961/3, 961/6, 986/1, 986/2, 986/3, register unit Wieliczka 3, Commune of Cracow-Podgórze, District of Cracow, Małopolskie Province.

The range of requested modifications refers to the change of a name of one bird species under protection, as it has been mistakenly quoted by the Applicant, and to the change of the contract title, which comprises the plots discussed above. Mr. Dariusz Adamek attached relevant power of attorney dated January 12, 2021, ref.: KR.ROO.0120.8.2021.PP, to the application. Modification of the contract title results from detailing the names for particular parts of works in the range of Odra-Vistula Flood Management Project implementation. Based upon Article 155 of the Code of Administrative Procedure the final decision – based upon which a party was granted with a right – may in any time be amended, upon consent of the party, by unit of public authorities, which issued the decision, or by a superior unit, if particular provisions are not against reversing a decision or amending such a decision, as supported by a justified interest of the party.

Amendments to the decision in question do not refer to the performance method determined in the original decision, its specificity, or adopted methodology. They are associated with correcting and detailing species reference for one of the birds listed in the original application, and with the name of particular parts of the works in the range of Odra-Vistula Flood Management Project implementation.

This decision includes the entire request of the Applicant, who is the only party of the proceeding. The decision was issued based upon the justified interest of the party.

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

INSTRUCTION

This decision may be appealed against to the General Director for Environmental Protection in Warsaw (52/54. Wawelska Street, 00-922 Warsaw), within 14 days from the date of its receipt, 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 nature protection).

**Per procuration by the Regional Director
for Environmental Protection in Cracow**

**Małgorzata Mordarska-Duda, MSc
Deputy Regional Director
Regional Conservator of Nature
/electronic signature/**

A stamp duty of PLN 41 was collected pursuant to Article 7 of the Act of November 16, 2006 on stamp duty (consolidated text: Journal of Laws of 2020, item 2023, as amended).

Recipients:

1. Applicant;
2. OP- file.