

**REGIONAL DIRECTOR
FOR ENVIRONMENTAL
PROTECTION IN
OLSZTYN**

Olsztyn, 28 July 2009

RDOŚ-28-WOOS-6613-033/09/am

**DECISION
on environmental considerations**

Pursuant to Article 71 section 2 item 1, Article 75 section 1 item 1a, Article 82 and Article 85 section 1 of the Act of 3 October 2008 on Providing Access to Information concerning the Environment and Environmental Protection, Participation of the Public in Environmental Protection and on Environmental Impact Assessments (Journal of Laws No. 199, item 1227, as amended) and § 2 section 1 item 29 of the Ordinance of the Council of Ministers of 9 November 2004 on the Determination of the Types of Project that may have a Considerable Environmental Impact and on the Detailed Conditions Relating to the Project Qualification for the Drawing Up of the Environmental Impact Report (Journal of Laws No. 257, item 2573, as amended), in connection with Article 104 of the Act of 14 June 1960 the Administrative Procedure Code (Journal of Laws of 2000, No. 98, item 1071, as amended), after examining the request from the Investor – the General Directorate for National Roads and Motorways, Branch in Olsztyn, dated 20 February 2009, ref. no. GDDKiA O/OL- P-4AB/Nid.-Nap./2/2009, and after conducting an environmental impact assessment procedure

I hereby determine

the environmental considerations for the project “Construction of the S7 expressway on the section Nidzica – Napierki from approx. km 203 + 500 to km approx. 223 + 818 according to the yellow variant” realised in the Warmińsko-Mazurskie Voivodeship and the Masovian Voivodeship, and I determine the following:

I. Project type and location.

The planned investment involves the alteration of national road no. 7 to fulfil the parameters of an expressway with a designed speed of 100 km/h. The project involves the construction of a two-roadway four-lane (six lanes planned) road. A substantial part of the designed road is located in the Warmińsko-Mazurskie Voivodeship in the following communes: Nidzica, Janowiec Kościelny and Kozłowo (Nidzicki Powiat). In the area of the Warmińsko-Mazurskie Voivodeship, the initial section is located in Litwinki (Nidzica Commune) at approx. km 203 + 500 of the existing kilometerage (approx. 25 + 400 of the designed kilometerage), and the end section is located in Napierki (Janowiec Kościelny Commune) at km approx. 223 + 818 of the existing kilometerage. In addition, the end section of approx. 1,200.0 m runs on the territory of the Masovian Voivodeship. The whole road ends at km approx. 225 + 100 of the existing kilometerage (approx. 48 + 100 of the designed kilometerage) in Wieczfnia Kościelna Commune, Mławski Powiat.

II. Conditions for the use of land at the implementation and operational stages, taking particular account of the need to protect precious environmental values, natural resources and historic buildings and to reduce the impact on the neighbouring areas:

- 1) The construction sites and their facilities must be located and technical roads must be outlined in such a way so as to ensure economical use of the land and minimum transformation of its surface.
- 2) The construction site facilities, as well as material and equipment storage sites (except for works involving the construction of bridge structures), must be located outside:
 - the Protected Landscape Area of the Nida and Szkotówka Rivers,
 - areas in the vicinity of rivers, river valleys, watercourses, lakes and wetland,
 - areas in the immediate proximity of residential buildings,
 - forest areas or areas in the vicinity of forest areas.
- 3) Where possible, access roads to the construction site must be led based on the existing transport routes.
- 4) The construction site facilities (including storage sites for materials and transport) must be secured.
- 5) Where possible, earth must be used to construct embankments and level the ground.
- 6) Excess earth must be used, for example, as soil layers for storage sites, to compact the ground, for the rehabilitation of land left after closed storage sites or parts of storage sites, for the rehabilitation of pits left by mineral mines, or transferred to natural persons or organisational units which are not entrepreneurs.
- 7) Construction site debris and leftovers from the alteration of existing roads must be used, where possible, as a foundation for exit roads, service roads, etc.
- 8) Non-hazardous waste and neutral waste must be segregated and stored at a designated location, and regularly collected by authorised contractors.
- 9) Hazardous waste produced during the operation of the road must be collected separately in a designated location to ensure safe storage and prevent third party access, and such waste must be transferred to specialist contractors for recycling or neutralisation.
- 10) Household sewage from the construction site must be led to tight holding tanks which must be emptied by authorised contractors.
- 11) Construction work in the vicinity of areas protected from noise shall be carried out only during daytime (i.e. from 6 a.m. to 10 p.m.); if possible, equipment emitting high-intensity noise must not work simultaneously.
- 12) The top soil layer removed from the construction site must be properly stored and, once the works are completed, where possible it must be used for the rehabilitation of land, reinforcement of escarpments and installation of roadside greenery.
- 13) Tree and bush clearance must be limited to the necessary minimum; trees located on the construction site that are not to be cut down must be protected against mechanical damage.
- 14) When installation works are conducted in the plant root area, such works must be planned outside the plant vegetation season (from late autumn to early spring).
- 15) Tree and shrub clearance must be carried out before or after the bird nesting season, i.e. outside the period from mid March to the end of July.

- 16) Earthworks in the area of reservoirs and watercourses must be conducted outside the period of mass migration of amphibians (outside the period from March to the end of May, from mid September to mid October).
- 17) Works must be conducted in stages so that animal migration routes are not closed, e.g. the route must be enclosed after constructing and managing passages for animals.
- 18) During the construction works in the vicinity of watercourses, the natural water bed must be preserved and protected against filling and pollution by chemicals.
- 19) Lost greenery in forest areas must be replenished by new plantings and the designed new greenery must have a compact and multi-level structure so that it fulfils a protective and insulating function.
- 20) After the completion of the project, the work site must be cleaned up and restored to a condition which is as close as possible to the original condition.

III. Environmental protection requirements to be considered in the building design:

- 1) Construction of acoustic screens in areas subject to protection from noise on the following sections:
 - a) from km 26 + 350 to km 27 + 000, screen height 3.0 m, to the west,
 - b) from km 28 + 000 to km 28 + 500, screen height 4.0 m, to the east,
 - c) from km 31 + 400 to km 32 + 350, screen height 4.0 m, to the east,
 - d) from km 35 + 000 to km 36 + 550, screen height 4.0 m, to the west,
 - e) from km 37 + 500 to km 38 + 230, screen height 3.0 m, to the west,
 - f) from km 40 + 640 to km 41 + 100, screen height 3.0 m, to the west,
 - g) from km 45 + 400 to km 46 + 140, screen height 3.0 m, to the east.
- 2) Where transparent screens are used, shapes of predator birds or printed stripes must be placed on the screens or other solutions must be used to minimise the risk of birds colliding with the screens,
- 3) Given that the first aquiferous layer is not separated from the surface and the investment is located on areas whose geological structure does not ensure sufficient insulation of groundwater of the Main Ground Water Reservoir GZWP No. 214 "DZIAŁDOWO", tight ditches must be used to drain water from the main road.
- 4) Where precipitation water is drained from the main road to natural watercourses, water drainage ditches, natural wetlands or wastelands, pre-treatment equipment must be used (suspension separators).
- 5) Where pre-treated water is to be drained to the ground, water must be led from the separator in several directions.
- 6) Geological and hydrogeological tests must be conducted to determine detailed soil and water conditions; in areas where groundwater is close to the surface, the route must be adjusted to the test results to ensure the greatest possible thickness of the insulating layers; the route must be located as far away from protected water intakes as possible.
- 7) The following passages for animals must be constructed:
 - a) cascade of passages for amphibians and reptiles, with a rectangular cross-section, min. height 1.0 m and min. width 0.75 m, or a passage from round concrete blocks with min. diameter 1.5 m, concrete

- screed up to 1/3 height at the bottom:
- at km from 26 + 200 to 27 + 000,
 - at km from 29 + 200 to 29 + 500,
 - at km from 31 + 400 to 31 + 600,
 - at km from 31 + 800 to 32 + 000,
- b) Modified water culvert with a rectangular cross-section, with a width greater than 2.0 m and a height of 1.5 m for amphibians, reptiles and small mammals:
- at km 29 + 400 (culvert located in the cascade of passages for amphibians and reptiles at km from 29 + 200 to 29 + 500),
 - at km 37 + 450.
- c) Lower passage under the bridge with dry spans on both sides for small and medium-sized mammals, amphibians and reptiles, with the width of dry spans equalling at least the double width of the watercourse and a min height of 3.5 m:
- at km 32 + 100,
 - at km 40 + 900,
- d) Passage under the road for large, medium-sized and small animals in the form of a “green bridge” with a min. width of 80. m:
- at km 43 + 300 or, alternatively, on the forest section from km approx. 43 + 100 to km approx. 44 + 500,
- 8) The access routes to the upper passage (“green bridge”) must be designed for a maximum inclination of the surface of passages and embankments of 15%.
- 9) To prevent animals from accessing the road, protective and guiding fences must be designed:
- a) with a height of 0.4–0.6 m for amphibians, reptiles and small rodents on the following sections of the designed road:
- from km 26 + 000 to km 27 + 500 – on both sides,
 - from km 29 + 100 to km 29 + 600 – on both sides,
 - from km 31 + 300 to km 32 + 200 – on both sides, excluding the bridge,
 - from km 37 + 350 to km 37 + 550 – on both sides, excluding the bridge.
- b) Fences with a min. height of 2.5 m on the following sections of the designed road:
- from km 41 + 000 to km 44 + 700 – east side of the roadway,
 - from km 41 + 500 to km 45 + 200 – west side of the roadway of the service road.
- 10) The bottom of the passages for animals must be covered with soil and the area around the passages must be developed in such a way so that their surface does not differ from the existing habitats on both sides of the road.
- 11) The modified water culverts must be lined with stones or rubble and natural shelves (with a width of 0.5–1.0 m) must be placed at the walls, elevated above the maximum water level and be integrated with the surrounding area.
- 12) Additional light must be allowed into the lower passage under the bridge by using openings or light holes in the strip separating the roadways; logs and stumps must be placed inside.
- 13) Before the clearance of trees on the section planned for the alteration of the road, an inventory taking

of greenery must be performed.

IV. Requirements for the prevention of industrial breakdowns in relation to projects classified as plants creating a danger of severe malfunctions.

The project is not categorised into the above-mentioned group of plants.

V. Requirements for limiting the cross-border environmental impact of projects for which a cross-border environmental impact assessment was carried out.

The implementation of the project will not cause any cross-border environmental impact.

VI. Requirements for establishing a restricted use area.

The establishment of a restricted use area depends on the results of the following post-implementation review.

VIII. The Investor is obliged to conduct a post-implementation review including the following:

- 1) Acoustic impact of the project, i.e. evaluation of the effectiveness of the solutions that are to protect residential housing areas against noise emission. The analysis must be carried out after 1 year from the commissioning date of the object and submitted within 18 months from the commissioning date. In the case that acceptable values of the noise level have been exceeded, adequate acoustic protection measures must be implemented. If environmental quality standards cannot be met, measures aimed at creating a limited use area must be taken.
- 2) Monitoring the effectiveness of the applied methods and measures to protect passages for animals, including:
 - a) inspection of the tightness of protective and guiding fences in the vicinity of the passage – immediate corrective measures for any identified damage,
 - b) inspection of the passability of the culvert (passages for amphibians and reptiles) – removing all debris blocking the culvert,
 - c) inspection of the growth of protective and guiding greenery in the vicinity of the passage (planting additional greenery if damage is identified or if seedlings are not growing),
 - d) inspection of the penetration intensity by humans of passages intended only for animals – if there are indications that such objects are regularly and intensively used by humans, measures must be taken to obstruct access, e.g. by laying large stones or root stumps at the object's inlet and outlet.

Completion date: at least once a year in early spring, by 30 April.

- 3) The assessment of the effectiveness of the said passages (except for the passages listed in item III.

7 a and b) must start after 1 year from the commissioning date of the passage and the assessment must continue for two consecutive years (for a total of three years).

4) Duration and frequency of monitoring

a) monitoring once every 24 hours, two cycles, 10 days each, during morning hours, preferably during spring and autumn (for all groups of animals),

b) additional monitoring for amphibians: once every 24 hours, two cycles, 3 days each, during morning hours, during seasonal migration in spring.

5) The results of the works specified in the above items 2–4 must be submitted to the Regional Director for Environmental Protection in Olsztyn as:

a) periodic (annual) report on the conducted works,

b) final report summarising the result of the works and evaluating the effectiveness of the passages for animals.

IX. A description of the whole project is enclosed as an annex to this decision.

JUSTIFICATION

The planned investment involving the “Construction of the S7 expressway on the section Nidzica – Napierki from approx. km 203 + 500 to km approx. 223 + 818” is categorised, according to § 2 section 1 item 29 of the Ordinance of the Council of Ministers of 9 November 2004 on the Determination of the Types of Project that May Have a Considerable Environmental Impact and on the Detailed Conditions Relating to the Project Qualification for the Drawing Up of the Environmental Impact Report (Journal of Laws No. 257, item 2573, as amended), into the group of projects which may have a significant environmental impact and for which an environmental impact report is required.

Pursuant to Article 75 section 1 item 1a of the Act of 3 October 2008 on Providing Access to Information concerning the Environment and Environmental Protection, Participation of the Public in Environmental Protection and on Environmental Impact Assessments (Journal of Laws No. 199, item 1227, as amended), the authority competent for issuing decisions on environmental considerations for road projects which may have a significant environmental impact is the Regional Director for Environmental Protection.

According to Article 71 section 2 item 1 of the Act on Providing Access to Information concerning the Environment..., for the planned road project, which may have a significant environmental impact, a decision on environmental considerations must be obtained before a road investment permit is granted (Article 72 section 1 item 10 of the above-mentioned Act).

In consideration of the above, the Investor – the General Directorate for National Roads and Motorways, Branch in Olsztyn, requested the Regional Director for Environmental Protection in Olsztyn, in the letter of 20 February 2009, ref. no. GDDKiA-O/OL-P-4AB/Nid.-Nap./2/2009, for a decision on environmental considerations related to the permit for the project involving the “Construction of the S7 expressway on the section Nidzica – Napierki from km approx. 203 + 500 to km approx. 223 + 818”.

According to Article 61 § 4 and Article 49 of the Administrative Procedure Code Act of 14 June 1960 (Journal of Laws of 2000, No. 98, item 1071, as amended), the Regional Director for Environmental Protection in Olsztyn, in the notification of 6 March 2009, ref. no. RDOŚ-28-\NOOŚ-6613-033/09/am, informed the parties to the procedure about the initiation of an administrative procedure for the issuing of a decision on environmental considerations for the above-mentioned road project.

Given that the number of parties to the procedure exceeds 20, the authority, pursuant to Article 74 section 3 of the Act on Providing Access to Information concerning the Environment..., applied Article 49 of the Administrative Procedure Code, i.e. it notified the parties to the procedure by posting the

announcement of 6 March 2009, ref. no. RDOŚ-28-WOŚ-6613/09/am, on the notice boards in municipal, commune and village administrations on whose territory the project will be implemented (i.e. in the City Hall in Nidzica, Commune Office in Janowiec Kościelny, Commune Office in Kozłów, Commune Office in Wieczfnia Kościelna and in the following village administrations: Litwinki, Piątki, Załuski, Szerokopaś, Tatary, Kamionka, Kanigowo, Powierz, Napierki and Peplowo), on the notice board of the Regional Director for Environmental Protection in Olsztyn and in the Public Information Bulletin of the Regional Director for Environmental Protection in Olsztyn. This information was also published in the weekly "Głos Nidzicki" (no. 10(350) of 11 March 2009). In the above-mentioned announcement, the Regional Director for Environmental Protection publicly announced the deadline by which people can submit their comments and requests in the discussed matter (by 10 April this year), the information on the date and place of the administrative procedure open to the public, which, given the large scale of the planned investment, was held on 25 March 2009 in Nidzica and Janowiec Kościelny, and information about the possibility to read the case files, including the environmental impact report, in the office of the Regional Directorate for Environmental Protection in Olsztyn and in the City Hall in Nidzica, thus ensuring participation of the public in the procedure, according to Article 33 section 1 in connection with Article 79 section 1 of the Act on Providing Access to Information concerning the Environment...

Pursuant to Article 77 section 1 item 2 of the Act on Providing Access to Information concerning the Environment..., the authority conducting the procedure requested the National Voivodeship Sanitary Inspector in Olsztyn (in the letter of 11 March 2009) and the National Voivodeship Sanitary Inspector in Warsaw (in the letter of 7 April 2009) for an opinion on the terms of implementing the project. The National Voivodeship Sanitary Inspector in Olsztyn, in the sanitary opinion of 10 April 2009, ref. no. ZNS-4316-10/W/2009, and the National Voivodeship Sanitary Inspector in Warsaw, in the sanitary opinion of 3 June 2009, ref. no. ZNS.713-1087-2/09.PN, expressed a positive opinion on the sanitary, hygienic and health requirements for the implementation of the project.

Given the fact that a part of the planned investment will be located in the Masovian Voivodeship, the Regional Director for Environmental Protection in Olsztyn, according to Article 75 section 5 of the Act on Providing Access to Information concerning the Environment and Environmental Protection, Participation of the Public in Environmental Protection and on Environmental Impact Assessments, in the letter of 30 March 2009, requested the Regional Director for Environmental Protection in Warsaw for opinion on the implementation of the above-mentioned investment. In the letter of 23 April 2009, the Regional Director for Environmental Protection in Warsaw expressed a positive opinion on the route of the investment.

In addition, in the announcement of 29 June 2009, the Regional Director for Environmental Protection in Olsztyn announced that evidence had been collected in the discussed case and the parties to the procedure, according to Article 10 of the Administrative Procedure Code Act, had the right to view the files within 7 days, express their opinion on the evidence, materials and claims made before the issuing of the decision on the subject matter.

After analysing in detail the case files of the project, i.e.:

- request from the General Directorate for National Roads and Motorways, Branch in Olsztyn, for the issuing of a decision on environmental considerations,

in the discussed project, the National Voivodeship Sanitary Inspector in Olsztyn, in the sanitary opinion of 10 April 2009, ref. no.: ZNS-4316-10/W/2009, and the National Voivodeship Sanitary Inspector in Warsaw, in the sanitary opinion of 3 June 2009, ref. no. ZNS.713-10872/09.PN, expressed a positive opinion on the sanitary, hygiene and health requirements for the implementation of the project.

Given the fact that a part of the planned investment will be located in the Masovian Voivodeship, the Regional Director for Environmental Protection in Olsztyn, according to Article 75 section 5 of the Act on Providing Access to Information concerning the Environment and Environmental Protection, Participation of the Public in Environmental Protection and on Environmental Impact Assessments, in the letter of 30 March 2009, requested the Regional Director for Environmental Protection in Warsaw for opinion on the implementation of the above-mentioned investment. In the letter of 23 April 2009, the Regional Director for Environmental Protection in Warsaw expressed a positive opinion on the route of the investment.

In addition, in the announcement of 29 June 2009, the Regional Director for Environmental Protection in Olsztyn announced that evidence had been collected in the discussed case and the parties to the procedure, according to Article 10 of the Administrative Procedure Code Act, had the right to view the files within 7 days, express their opinion on the evidence, materials and claims made before the issuing of the decision on the subject matter.

After analysing in detail the case files of the project, i.e.:

- request from the General Directorate for National Roads and Motorways, Branch in Olsztyn, for the issuing of a decision on environmental considerations,
- environmental impact report for the planned road project prepared by Andrzej Jamiołkowski, Iwona Łążniewska and Jerzy Łążniewski,
- reference maps,
- excerpt from the land register,

the authority conducting the procedure leading to the issuing of this decision decided as specified below.

The planned investment involves the alteration of national road no. 7 to fulfil the parameters of an expressway with a designed speed of 100 km/h. The project involves the construction of a two-roadway four-lane (six lanes planned) road. A substantial part of the designed road is located in the Warmińsko-Mazurskie Voivodeship in the following communes: Nidzica, Janowiec Kościelny and Kozłowo (Nidzicki Powiat). In the area of the Warmińsko-Mazurskie Voivodeship, the initial section is located in Litwinki (Nidzica Commune) at approx. km 203 + 500 of the existing kilometerage (approx. 25 + 400 of the designed kilometerage), and the end section is located in Napierki (Janowiec Kościelny Commune) at km approx. 223 + 818 of the existing kilometerage. In addition, the end section of approx. 1,200.0 runs on the territory of the Masovian Voivodeship. The whole road ends at km approx. 225 + 100 of the existing kilometerage (approx. 48 + 100 of the designed kilometerage) in Wieczfnia Kościelna Commune, Mławski Powiat.

Three investment variants are analysed in the environmental impact report, i.e.: red, blue, yellow and “zero” variant (absence of the investment).

In the absence of the investment (leaving the route of the road as it is), the road capacity will decrease, the road surface will deteriorate and noise will exceed the permitted levels. Travel convenience will deteriorate and the existing condition of the road will not ensure proper safety for road users.

At present, there is no equipment ensuring acoustic protection for buildings in the vicinity of the road and there is no space to build acoustic screens within the urban structures. If the transport system is left in its present condition, it will have a negative impact on the structures and on the residents in the vicinity of the road. Therefore the zero variant (absence of investment) has been rejected.

The planned route of the new road section in the red variant is 22.280 km long. The route runs in the direct vicinity of the existing national road. On the section Załuski – Tatary, the road will run along the existing DK 7 road, on the section from km 34+000 to km 35+600 and from km 38+000 to km 42+000, it will run on the eastern side of the DK 7 road, and on the section from km 35+600 to km 38+000 and from km 42+000 to km 47+680, on the western side.

In the blue variant, the construction of a 23.031 km long road is planned in a new corridor, at a distance of approx. 0.5 km from Nidzica (from the existing route), and on the forest section, 1.0 km in a western direction, which will ensure that forest areas located between Powierz and Napierki are bypassed. The newly designed road will run on the Załuski – Tatary section to the west of the existing road, on the section from km 33+000 to km 37+500 to the east of the road and from km 37+500 to km 48+431 to the west of the existing DK7 road.

In the yellow variant, the construction of a 22.727 km long road is planned in a new corridor at the greatest distance from Nidzica (approx. 1.4 km from the existing route) in a western direction. The newly designed road will run on the section Załuski – Tatary to the west of the existing DK7 road (ring road of Nidzica), on the section from km 34+340 to km 36+870 and from 38+580 to km 42+500 to the east of the existing road and from km 42+500 to km 48+127 to the west of the existing DK7 road.

The environmental impact report suggests that the road runs from the beginning of the study to the

Tatary interchange, which is in line with the blue variant, and from the Tatary interchange to the end of the study it is in line with the yellow variant. The General Directorate for National Roads and Motorways, Branch in Olsztyn, requested the issuing of a decision on environmental considerations for the yellow variant. The request explains why the Investor intends to implement the yellow variant on the whole section of the road and not only from the Tatary section to the end of the study, as specified in the environmental impact report. The request for the issuing of an environmental decision includes a "Multi-criteria comparative analysis of investment variants", according to which, based on a cumulative assessment of criteria such as traffic, zoning, costs, environmental and social conflicts, the yellow variant is the best variant. In addition, the yellow variant is consistent with the expectations of the public and local governments.

As part of the investment process, the Investor, the General Directorate for National Roads and Motorways, Branch in Olsztyn, ensured active participation of the public in shaping and implementing the planned project by organising meetings on 10 March 2008 in Janowiec Kościelny, Piątki and Nidzica. The meetings were attended by representatives of local authorities, designers, representatives from the General Directorate for National Roads and Motorways, Branch in Olsztyn, and residents of the communes where the project will be implemented. The public submitted their comments and requests regarding the planned investments, which were analysed in detail by the Investor. Wide participation of the public in the decision-making process led to a change of the originally suggested blue variant to the yellow variant, which differs slightly from the blue variant in terms of environmental aspects and is accepted by the public.

W trakcie rozpraw administracyjnych otwartych dla społeczeństwa zorganizowanych anulowanie zawiadomień i obwieszczeń o wszczęciu postępowania i zapewnieniu udziału społeczeństwa w toczącym się postępowaniu oraz o wyznaczenie nowego terminu w sprawie, a także zwrócił się o udostępnienie informacji o prowadzonym postępowaniu.

Since no circumstances referred to in Article 97 and 98 of the Act of 14 June 1960 Administrative Procedure Code (Journal of Laws of 2000, no. 98, item 1071, as amended) occurred, the Regional Director for Environmental Protection in Olsztyn did not suspend the procedure. The authority provided the interested residents of Mława with the available documents.

In addition, in the letter of 12 May 2009, the Ordinary Association "Friendly and Safe Road no. 7" (Stowarzyszenie Zwyczajnie "Przyjazna i Bezpieczna 7-ka"), with its registered office in Mława, requested the Regional Director for Environmental Protection in Olsztyn to be granted the status of a party to the procedure leading to the issuing of a decision on environmental considerations. Although the Association requested twice for completing the request by providing the Association's rules and regulations, which could be a basis for determining its statutory objectives and for granting it the status of a party, such document was not provided, and the Regional Director for Environmental Protection in Olsztyn did not have any basis to express his opinion on admitting the Ordinary Association "Friendly and Safe Road no. 7" as a party to the procedure.

The construction works in the course of the project's implementation shall be conducted in such a way so as to ensure sparing use of land and minimum transformation of the surface. Where possible, access roads to the construction site must be led based on the existing transport routes.

In addition, the construction site facilities must be located outside legally protected nature conservation areas, outside the direct vicinity of residential structures and outside areas near rivers, watercourses, wetland and forest areas. Due to the construction of bridges over the Nida River, it is necessary to establish additional construction site facilities, including in the vicinity of the river. In such a case, the area of process facilities must be limited as much as possible and no staff facilities are permitted in the vicinity of the river. In addition, the storage site for construction materials and the temporary construction machinery park must be sealed to protect the ground from hazardous liquid substances.

In the course of the project's implementation, it will be necessary to remove soil from the strip designated for the road body. The top layer of organic soil will be properly stored and reused as a layer of soil under future greenery. After completion of the construction works, the area shall be rehabilitated and restored to its original condition.

The following types of waste will be produced during the construction of the planned road: rubble from the dismantled bituminous layer, concrete rubble, cleared shrubs, earth and small amounts of

household waste. The debris produced on the altered sections of existing roads (following grinding and additional granulation) and concrete elements (after crushing) shall be used to construct foundation for service and exit roads as close to the main road as possible. Earth produced in the course of levelling work shall be used, among other things, for road embankments. Wood from wood clearing work may be transferred to other parties and used as fuel. Construction and household waste shall be segregated and stored at a designated location and regularly collected by authorised contractors. Household sewage from the construction site must be guided to tight holding tanks which must be emptied by authorised contractors.

Waste from precipitation water pre-treatment equipment and hazardous waste shall be collected separately at designated locations to ensure safe storage. Next, the waste shall be transferred to specialist contractors for recycling or neutralisation. If proper sewage and waste management is ensured in the area of the designed investment, there should be no risk of soil and water pollution.

The construction of the road will involve an increase in noise coming from construction and other equipment (e.g. during the clearing of trees). The noise will have a local range but it may have a high intensity. Therefore, construction works in the vicinity of acoustically protected areas shall be conducted only during daytime (6 a.m. to 10 p.m.). Where possible, equipment producing high levels of noise should not be operated simultaneously. Inconvenience related to the construction of the road will have a medium-term impact and will stop when the construction works are completed.

As a result of the implementation of the selected project variant, a large section of the road will be moved away from its existing route, which will lead to an improved acoustic climate in Litwinki, Nidzica, Tatory, Kanigowo, Powierz and Napierki. However, the range of the acoustic impact includes other areas, such as structures to the west of Litwinki, a major fragment of structures in Piątki, Pawliki and several farms. Based on noise projections, to ensure adequate acoustic protection of the above-mentioned area, the construction of acoustic screens is planned, including a 2,580 m section of 3.0 m high screens and a 3,000 m section of 4.0 m high screens.

To evaluate the effectiveness of the adopted solutions for protecting residential structures from noise, the Investor has been obliged to conduct a post-implementation review. The review must be carried out after 1 year from the commissioning date and submitted within 18 months from the commissioning date. In the case that acceptable values of the noise level have been exceeded, adequate acoustic protection measures must be implemented. If environmental quality standards cannot be observed, measures aimed at creating a restricted use area must be taken.

During the implementation of the project, inconvenience in the form of exhaust fumes from combustion engines of lorries and other vehicles used for construction works (e.g. excavators, loaders, bulldozers) can be expected. In addition, dust formation may occur during earthworks (excavations, embankments). However, the range of this inconvenience will be limited to the immediate vicinity. The emission of pollutants during the implementation of the project will have a medium-term impact and will not result in significant or long-lasting changes in the environment.

Based on the calculations made in the report and assuming an increase in traffic intensity by 2027, automotive pollution in the immediate vicinity of the road should not exceed the permitted levels at present or in the future.

The planned investment will run (up to approx. 70%) in the area of the Main Ground Water Reservoir GZWP No. 214 "Działdowo". The first aquiferous layer, which is a usable layer, is not insulated from the surface on the most part of the designed route. Therefore, precipitation and meltwater must be guided using tight ditches and where water is drained into natural watercourses, water drainage ditches, natural wetlands or wastelands, pre-treatment equipment must be used (suspension separators). Due to the hazard of water and soil being contaminated by chlorides from preparations for winter road maintenance, where pre-treated water is to be drained into the ground, water must be spread in several directions. The construction of the road, accompanied by the construction of a precipitation water drainage and treatment system, as well as correct operation of such system, will allow for observing proper conditions for draining precipitation and meltwater into reservoirs, which will prevent any negative impact on surface water and on the soil and water environment.

For the most part, the planned section of the S7 road runs through non-developed areas. In the direct vicinity of the investment there are numerous forest areas, fallow land, wetland, including peat

bogs, as well as seasonally flooded meadows and a river valley.

In order to ensure proper migration of animals in the region of the planned investment, passages and culverts for amphibians, reptiles, large, medium-sized and small mammals have been designed. The passages have been designed in such a way so as to use the existing watercourses and land structure. The presence of wetland and places where amphibians have been recorded are also taken into consideration. The construction of concrete passages, two-way passages with a rectangular or round cross-section with the bottom covered by greenery is planned, and the area around the passages will be developed in such a way so that it does not differ from the existing habitats on either side of the road. Passages with minimum widths of 1.5 m and 1.0 m will be used not only by amphibians but also by small mammals. Given the fact that there are local migration routes of large animals along the designed road, a so-called green bridge has been designed (passage in the form of an overpass over the road). Since there are utility roads on both sides of the main road, the width of this passage (to ensure successful migration) may not be smaller than 80.0 m. The access route to the said object shall be designed for a maximum inclination of the surface of passages and embankments of 15%. The passage must be connected to guiding structures and there must be adequate greenery so that the passage does not differ from the surrounding area.

With a suitable structure of water culverts along the planned S7 road, passages with combined ecological and utility functions have been designed. To ensure that these passages are effective, they must have a rectangular cross-section with a width greater than 2.0 m and a height of 1.5 m with a formed watercourse bed lined with stones or rubble, and natural shelves (with a width of 0.5–1.0 m) must be placed at the walls, elevated above the maximum water level and be integrated with the surrounding area. To ensure continuous migration through the modified culverts, the same solution must be applied for service roads.

During the construction of the bridges over the Nida River and Powierz watercourse, lower passages will be constructed under the widened bridge, and they will include a wide strip of the bank overgrown by plants. The area provided as a passage for animals along the river must be higher than 3.5 m and its width may not be less than the double width of the river bed. Additional light will be allowed into the passage through openings or light holes in the strip separating both roadways.

Where the road runs through forest areas, along the outline of the road there will be 2.5 m high mesh fences to prevent animals from accessing the road in areas other than the designated passages. In addition, 0.4–0.6 m high protective and guiding fences will be used at the passages for amphibians to prevent amphibians from accessing the road and guide them towards the designated migration passages.

To evaluate the effectiveness of the adopted methods and measures for protecting passages for animals, the Investor has been obliged to conduct a post-implementation review. The results of the monitoring must be presented in a report after three years from the commencement of monitoring. The report must include data on the use of individual passages and recommendations for possible modernisation and repairs or changes in land development. Based on the recommendations, suitable modernisation of the passages will be conducted.

The planned investment will run partially through a legally protected landscape and nature conservation area with protected river ecosystems (the Protected Landscape Area of Nida and Szkotówka River). In the area of the planned investment there are no established or planned Natura 2000 areas. The closest areas of this type are Puszcza Napiwodzko-Ramucka (code: PLB280007), located approx. 7.0 km from the planned investment, and Dolina Wkry i Mławki (code: PLB140008), located approx. 10.0 km from the planned road. There are no nature conservation facilities in the area of the planned road, such as documentation sites, ecological sites or nature landscape complexes.

The implementation of the planned investment requires that plants interfering with the designed road are cleared. The clearing will be limited to a minimum, and trees located in the construction site, other than trees for clearing, will be protected against mechanical damage. Tree and shrub clearance must be carried out outside the bird nesting season, i.e. outside the period from mid March to the end of July. When installation works are conducted in the plant root area, such works must be planned outside the plant vegetation season (from late autumn to early spring). Before the clearance of trees on the section planned for the alteration of the road, an inventory taking of greenery must be performed. Lost greenery in forest areas must be replenished by planting new greenery and the designed new greenery must have a compact and multi-level structure so that it fulfils a protective and insulating function.

Along the route of the planned road investment, there is no interference with objects entered into the list and register of the Voivodeship Monument Conservation Officer. However, there are archaeological sites which are not entered into the register of monuments in the direct vicinity of the road section to be altered. Therefore, archaeological works must be conducted before the investment is implemented. In addition, all earthworks must be constantly supervised by an archaeologist and the Voivodeship Monument Conservation Officer.

It must be stressed that, at the stage of issuing the decision on environmental consideration, the available data on the project and the environmental protection solutions adopted in the decision which must be considered in the building design (acoustic screens, passages for animals, including the upper passage "green bridge"), following a detailed analysis in the course of preparing the project, may be verified and corrected, which justifies the need for another impact assessment as part of the procedure for issuing a road investment permit.

Considering the distance of the planned investment from Poland's closest border with the Russian Federation, the implementation of the project will not have a cross-border environmental impact.

Based on the analysis of the impact of the planned road on the environment in the area of emission of air pollution, noise, water, sewage and waste management, the implementation of the project in question will not violate the environmental protection requirements in force.

Since the planned project is not likely to have a negative environmental impact if suitable protective equipment and fulfilment of the implementation terms specified in this decision are ensured, it has been decided as stated hereinbefore.

Instruction

The parties may appeal against this decision to the General Director for Environmental Protection in Warsaw through the agency of the Regional Director for Environmental Protection in Olsztyn within 14 days from the delivery date of the decision.

/round stamp and signature/

Distribution list:

1. General Directorate for National Roads and Motorways,
Branch in Olsztyn, 89 Warszawska Avenue, 10-083 Olsztyn
2. City Hall in Nidzica, 1 Wolności Square, 13-100 Nidzica,
3. Commune Office of Janowiec Kościelny, 13-111 Janowiec Kościelny,
4. Commune Office of Kozłowo, Kozłowo 60 a, 13-124 Kozłowo,
5. Commune Office of Wieczfnia Kościelna, 06-513 Wieczfnia Kościelna,
6. Other parties to the procedure (announcement according to Article 49 of the Administrative Procedure Code)
7. a/a

Pursuant to Article 7 item 2 of the Act on Stamp Duty of 16 November 2006 (Journal of Laws No. 225, item 1635, as amended), the Investor, the General Directorate for National Roads and Motorways, Branch in Olsztyn, as a national administrative authority, is exempt from stamp duty for the amendment of the decision on environmental considerations for the permit to implement the project.

**REGIONAL DIRECTOR FOR
ENVIRONMENTAL PROTECTION
IN OLSZTYN**

Olsztyn, 28 July 2009

RDOŚ-28-WOOS-6613-033/09/am

Annex to the decision of the General Director for Environmental Protection in Olsztyn of 28 July 2009, ref. no: RDOŚ-28-WOOS-6613-033/09/am, on environmental considerations for the project “Construction of the S7 expressway on the section Nidzica – Napierki from approx. km 203 + 500 to km approx. 223 + 818” according to the yellow variant realised in the Warmińsko-Mazurskie Voivodeship and the Masovian Voivodeship

Characteristics of the planned project

The planned investment involves the alteration of national road no. 7 to fulfil the parameters of an expressway with a designed speed of 100 km/h. The project involves the construction of a two-roadway four-lane (six lanes planned) road. A substantial part of the designed road is located in the Warmińsko-Mazurskie Voivodeship in the following communes: Nidzica, Janowiec Kościelny and Kozłowo (Nidzicki Powiat). In the area of the Warmińsko-Mazurskie Voivodeship, the initial section is located in Litwinki (Nidzica Commune) at approx. km 203 + 500 of the existing kilometerage (approx. 25 + 400 of the designed kilometerage), and the end section is located in Napierki (Nidzica Commune) at km approx. 223 + 818 of the existing kilometerage. In addition, the end section of approx. 1,200.0 runs on the territory of the Masovian Voivodeship. The whole road ends at km approx. 225 + 100 of the existing kilometerage (approx. 48 + 100 of the designed kilometerage) in Wieczfnia Kościelna Commune, Mławski Powiat.

Three investment variants are analysed in the environmental impact report, i.e.: red, blue, yellow and “zero” variant (absence of the investment).

The environmental impact report suggests that the road runs from the beginning of the study to the Tatory interchange, which is in line with the blue variant, and from the Tatory interchange to the end of the study it is in line with the yellow variant. The General Directorate for National Roads and Motorways, Branch in Olsztyn, requested the issuing of a decision on environmental considerations for the yellow variant. The request explains why the Investor intends to implement the yellow variant on the whole section of the road and not only from the Tatory section to the end of the study, as specified in the environmental impact report. The request for the issuing of an environmental decision includes a “Multi-criteria comparative analysis of investment variants”, according to which, based on a cumulative assessment of criteria such as traffic, zoning, costs, environmental and social conflicts, the yellow variant is the best variant. In addition, the yellow variant is consistent with the expectations of the public and local governments.

As part of the investment process, the Investor, the General Directorate for National Roads and Motorways, Branch in Olsztyn, ensured active participation of the public in shaping and implementing the planned project by organising meetings on 10 March 2008 in Janowiec Kościelny, Piątki and Nidzica. The meetings were attended by representatives of local authorities, designers, representatives from the General Directorate for National Roads and Motorways, Branch in Olsztyn, and residents of the communes where the project will be implemented. The public submitted their comments and requests regarding the planned investments, which were analysed in detail by the Investor. Wide participation of the public in the decision-making process led to a change of the originally suggested blue variant to the yellow variant, which differs slightly from the blue variant in terms of environmental aspects and is accepted by the public.

In the yellow variant, the construction of a 22.727 km long road is planned in a new corridor at the greatest distance from Nidzica (approx. 1.4 km from the existing route) in the western direction. The newly designed road will run on the section Załuski – Tatary to the west of the existing DK7 road (ring road of Nidzica), on the section from km 34+340 to km 36+870 and from 38+580 to km 42+500 to the east of the existing road and from km 42+500 to km 48+127 to the west of the existing DK7 road.

The planned investment will run partially through a legally protected landscape and nature conservation area with protected river ecosystems (the Protected Landscape Area of the Nida and Szkotówka Rivers). In the area of the planned investment, there are no established or planned Natura 2000 areas. The closest areas of this type are Puszcza Napiwodzko-Ramucka (code: PLB280007), located approx. 7.0 km from the planned investment, and Dolina Wkry i Mławki (code: PLB140008), located approx. 10.0 km from the planned road. There are no nature conservation facilities in the area of the planned road, such as documentation sites, ecological sites or nature landscape complexes.

Based on the analysis of the impact of the planned road on the environment in the area of emission of air pollution, noise, water, sewage and waste management, the implementation of the project in question will not violate the environmental protection requirements in force. In addition, the project requires a post-implementation review to assess the effectiveness of solutions used to ensure protection for the residential housing areas against noise and to assess the effectiveness of methods and measures for the protection of passages for animals.

Considering the presented conditions, the planned project should not have a negative environmental impact if suitable protective equipment is ensured and the terms specified in the environmental decision for the project in question are observed.

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