

**REGIONAL DIRECTOR FOR
ENVIRONMENTAL PROTECTION
in OLSZTYN**

Olsztyn, 26 November 2009

RDOŚ-28-WOOS-6613-025/09/am

**DECISION
on environmental conditions**

Pursuant to Article 46, sec. 1, paragraph 1, Article 46a, section 7, item 1a, Article 56 of the Act of 27 April 2001 Environmental Protection Law (Journal of Laws of 2008, No. 25, item 150, as amended), Article 104 of the Act of 14 June 1960 Code of Administrative Procedure (Journal of Laws of 2000 No. 98, item 1071, as amended), in connection with Article 153, 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 of 2008 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 kinds of project that may have considerable environmental impact and on the detailed conditions relating to the project qualification for drawing up the environmental impact report (Journal of Laws No. 257, item 2573, as amended), following the analysis of the application submitted by the Investor, i.e. the General Directorate for National Roads and Motorways, Olsztyn Branch of 29 August 2008, ref.: GDDKiA-O/OL-P4/AB/41/7obw.Ostr./49.4/2008 and following a procedure regarding the environmental impact assessment,

I define

the below-mentioned environmental conditions for implementing the project in Variant I consisting in "Construction of the Ostróda ring road within the route of the national road no. 16" implemented within the City and Commune of Ostróda, Ostróda Poviát, the Warmińsko-Mazurskie Voivodeship.

I. Type and location of project implementation.

The planned project consists in construction the Ostróda ring road of expressway parameters and length approx. 13 km within the route of the national road no. 16 within the section from the Ostróda Zachód (Omowo) junction to Stare Jabłonki running through Lesiak Ostródzki, Kajkowo, Idzbark, etc.

The planned project includes construction of a dual carriageway with a reserve for a third lane including a broad strip of greenery, approx. 12 m, where the width of the land strip utilised for constructing the ring road will be approx. 60 m (max. 100 m). Within the framework of this investment project, it has also been planned to construct and rebuild engineering structures, i.e. flyovers, overpasses, animal crossings and the Ostróda Zachód (Omowo) junction, construction of commercial crossings and culverts, rebuilding the technical infrastructure including a high-voltage 110 kV power line and high-pressure gas pipeline, construction of access roads, organisation of pedestrian and bicycle traffic as well as construction of environmental protection facilities.

The investment project parameters include: GP class road (main high-speed road) of expressway parameters, design speed 100 km/h, permissible surface road 115 kN/axle, dual carriageway 2 × 2 dual-lane profile with a reserve for a third lane within the central reservation. Access to the road will be provided only within the following junctions – Ostróda Zachód (Omowo) and Ostróda Południe (Górka).

The project will be connected with the planned (within the framework of a different project) Ostróda Południe (Górka) and Stare Jabłonki junctions.

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

1. The site back-up facilities and haulage roads will be organised in a way that ensures efficient use of land and minimal transformation of its surface, and after completion of work, the area will be restored to the state prior to its commencement. Work is to be organized so as to minimize the amount of created construction waste.
2. The access roads to the construction site must be routed, if possible, on the basis of the existing network of transport routes.
3. If possible, the technical back-up facilities and material-equipment storage facilities must be located outside:
 - areas protected on the grounds of the Act on Environmental Protection, including Natura 2000 areas;
 - boundaries of the Drwęcko-Taborski Underground Water Reservoir;
 - wetlands, river valleys with their flood areas, in particular the Drwęca River and other watercourses;
 - vicinity of the following lakes: Omowo, Kajkowo, Sement Mały, Szędzowskie, Szelał Wielki and Szelał Mały;
 - immediate proximity of residential neighbourhoods;
 - forest areas and their direct vicinity.
4. Parking areas for machines and means of transport must be suitably protected in order to prevent contamination of water and soil by petroleum derivatives.
5. Waste should be sorted and stored in a separated location in applicable containers and its regular collection by authorised entities should be ensured. Hazardous waste that may be produced during construction works must be segregated and separated from neutral waste and transported to specialized waste management companies for neutralization.
6. The construction site back-up facilities must be provided with leaktight sanitary facilities whose content will be removed by authorised entities.
7. During construction works, all measures protecting against polluting (including petroleum derivatives) surface and underground water as well as soil must be implemented. Due to this, in the event of a harmful substance leak, the Contractor should have at their disposal applicable sorbents used to precipitate pollutants, in particular petroleum derivatives (e.g. fuel, grease) and synthetic substances (e.g. oil) and seal the construction back-up facilities area as well as material and fuel storage facilities, in particular within locations in the direct vicinity of natural watercourses.
8. Construction works performed in the vicinity of areas under noise protection must be performed in the daytime (from 6 a.m. to 10 p.m.). As far as possible, ensure devices emitting high levels of noise do not operate concurrently.
9. Preserve the natural Drwęca River bed without reinforcing, deepening and lining with fascine.
10. While constructing overpasses over surface watercourses and Szelał Wielki Lake, use screens preventing the watercourses and lake from being polluted.
11. Do not induce changes or limit the flow size in surface watercourses and groundwater streams and changes in direction and velocity of water flow. This condition does not apply to the watercourse connecting Kajkowo and Sement Mały Lakes.
12. Do not disturb wetlands and water reservoirs located along the planned investment project areas, in particular as regards the existing water relations. The works within the road lane must be conducted in a manner ensuring protection of the current water relations in the above-mentioned areas.

13. Earthworks in the vicinity of reservoirs, watercourses, pools and amphibian breeding grounds must be conducted outside the period of their mass migration (outside the periods from the beginning of March to the end of May and from the middle of September to the middle of October).
14. When carrying out construction work avoid formation of stagnant water pools in which amphibians might spawn.
15. Works must be performed in planned stages in order to avoid closing animal migration routes, e.g. a route may not be fenced before animal passages are provided.
16. Ensure the performance periods of the construction works are as short as possible within naturally valuable areas, in particular within the Natura 2000 "Drwęca River Valley" area and in the vicinity of Szelaż Wielki and Kajkowo Lakes as well as in the Morliny and Szędzowskie Lakes channel.
17. In order to protect the Natura 2000 "Drwęca River Valley" area no works disturbing the Drwęca River bed and its tributaries can be performed during the periods of breeding, valuable species migrations and spawn incubation, i.e. from the beginning of September to the end of May.
18. Any works connected with constructing the overpass which might disturb the Szelaż Wielki Lake basin must be performed outside the fish breeding and spawn incubation periods (i.e. from the beginning of March to the end of June and from the middle of October to the end of December).
19. Tree and bush clearance must be limited to a necessary minimum; trees located on the construction site that are not to be cut down must be protected against mechanical damage, e.g. by means of trunk protection measures.
20. Trees and shrubs must be cleared outside the bird breeding period, (i.e. outside the period from early March to late August).
21. Additional plants must be provided, in particular in the vicinity of Kajkowo and Sement Mały Lakes and in the forest areas of the Taborski Forest as well as in the pine-birch marsh forest near Lubajny. The provided plants must include only native species present in a given stand, taking into account habitat conditions. The detailed conditions of providing plants in forest areas must, including their species content, must be agreed upon with an applicable forest division.
22. The soil layer removed from the construction area must be properly deposited and re-used for land reclamation after the completion of work.
23. In the case that the maximum levels of substances in the air are exceeded as a result of road operation, provide solutions ensuring correct aero-sanitary climate, e.g. green strips along the route (trees and shrubs) of a density and width ensuring the required insulation effectiveness and reducing the amount of pollutants to permissible levels.
24. In order to make the soil-water conditions more specific, geological and hydrological surveys must be conducted within the area along the whole section of the planned ring road. The protection measures for the route in the areas susceptible to water pollution (including the Drwęcko-Taborski Underground Water Reservoir area, areas of contact between water-bearing layers and surface water, water intake supply areas) must be adjusted to the survey results in order to ensure the best protection of water resources possible.
25. Within the route sections running through the Drwęcko-Taborski Underground Water Reservoir area, areas of contact between water-bearing layers and surface water, water intake supply areas, areas in the vicinity of lakes and the Drwęca River and other areas susceptible to water pollution:
 - ensure operational and leaktight high-capacity sewage systems for stormwater removal so that it is discharged to the ground outside these areas;
 - equip the sewage systems with sewage pre-treatment devices, e.g. settlement tanks and petroleum derivatives separators (additionally, this equipment must also be provided within other route sections prior to discharging sewage to roadside ditches in the case that the permissible limits of water and soil pollution are exceeded);
 - roadside ditches for stormwater discharge must be lined with an insulation layer (e.g. clayey layer) preventing sewage permeation into the soil; the ditches must be cleaned periodically;
 - provide technical solutions protecting water resources against pollution in the case of random events resulting in spillages of large amounts of hazardous substances (collision or malfunction of vehicles transporting such substances, etc.) – e.g. leaktight storage reservoirs of a capacity

ensuring proper collection of sewage; outflow cut-offs (gate valves) on the outlets of the sewage treatment devices;

- do not locate, within the above-mentioned sections, ring road infrastructure facilities that may be a source of water resources pollution (e.g. fuel warehouses and petrol stations, facilities connected with vehicle cleaning, repair and service, car parks, etc.).

26. During the investment project implementation, it is necessary to:

- protect the construction machine parking and maintenance sites against petroleum derivatives spillage to the soil and water;
- in locations where bridges, overpasses and passages over water reservoirs and watercourses are constructed provide screens protecting water against polluting by dust and other waste.

III. Requirements pertaining to environmental protection necessary for consideration in the construction design:

1. Construction of acoustic screens in the following locations:

- from km 9+272 to km 9+450, 178 m long transparent sound-reflecting screen on the left side of the road;
- from km 11+620 to km 11+980, 360 m long mixed screen on the left side of the road;
- from km 11+520 to km 11+980, 460 m long mixed screen on the right side of the road;
- from km 13+770 to km 14+370, 600 m long mixed screen on the right side of the road;
- from km 14+180 to km 14+380, 200 m long transparent sound-reflecting screen on the left side of the road;
- from km 15+270 to km 15+770, 500 m long green sound-absorbing screen on the left side of the road;
- from km 15+380 to km 15+630, 250 m long mixed screen on the right side of the road;
- from km 19+860 to km 21+260, 1,400 m long transparent sound-reflecting screen on the left side of the road;
- from km 22+360 to km 23+060, 700 m long transparent sound-reflecting screen on the left side of the road;
- from km 22+960 to km 23+280, 320 m long mixed screen on the right side of the road.

2. The minimum height of the screens mentioned in III.1. is 4 m. In the case of screens longer than 400 m, 1.4 m wide emergency exits must be designed with the maximum spacing of 200 m, if possible.

3. Transparent screens must be provided with printings in the form of crosswise strips to minimise the risk of bird collisions.

4. Climbing plants must be planted by the sound-absorbing screens.

5. Stormwater must be discharged by means of:

- a system of non-sealed roadside ditches;
- stormwater sewage system (in particular, in the vicinity of lakes, the Natura 2000 "Drwęca River Valley" area and the Drwęcko-Taborski Underground Water Reservoir).

6. Treatment of storm- and meltwater from the road lane by means of roadside ditches with damming structures (gates) and sedimentation tanks equipped with gates to cut off the outflow in the event of a major malfunction or accident.

7. Manual or automatic gates in the existing ditches and discharge watercourses.

8. Construction of petroleum derivatives separators and settlement tanks upstream of the following collectors, i.e.:

- the watercourse connecting Morliny Lake with Cibory Lake at km 14+250 – Morliny Lake as the final collector;
- the watercourse connecting Kajkowo Lake and Sement Mały Lake at km 16+800 – Jezioro Sement Mały as the final collector;
- the unnamed watercourse located at km 17+950 – the Drwęca River as the final collector;
- Szeląg Wielki Lake at km 22+360.

9. Within Variant I it is necessary to construct an overpass over the Drwęca River valley. Its length is

- approx. 300 m and the supports will be located outside the river bed and the 5 m protective strip along either bank. The overpass must be constructed by means of the span sliding method.
10. The spacing of the supports of the overpass routed over Szelaq Wielki Lake must be at least 40 m. The overpass must be constructed by means of the span sliding method. The overpass supports must be located in a manner ensuring minimum disturbance of the lake basin.
11. Construction of passages for small and medium-sized animals:
- at km 16+150 box or tubosider type culvert – width 10 m and height 5 m;
 - at km 16+550 box or tubosider type culvert – width 5 m and height 3.5 m;
 - 16+800 – an integrated passage consisting of 3 culverts for amphibians, each 2 m wide and 1.5 m high (main road plus two slip roads).
- The bottom of dry culverts should be covered with a layer of soil, and the part intended for animals should have an even surface. In the case of crossings combined with waterways, 0.5–1 m wide shelves must be installed over the water table; they must be continuously connected with the outside land.
12. Providing concrete fences (minimum height 0.5 m) by the amphibian passage to protect the animals against entering the roadway and directing them towards the passage.
13. Construction of passages for large animals:
- at km 14+130, an overpass – length approx. 335 m, minimum width 20 m and minimum height 5 m;
 - at km 14+520, an overpass – length approx. 120 m, minimum width 20 m and minimum height 5 m;
 - at km 19+450, an overpass over the Drwęca River valley – length approx. 300 m;
 - at km 20+330, a flyover combined with an animal passage – length approx. 20 m, minimum width 20 m and minimum height 5 m (space for animals – width approx. 8 m and minimum height 3.5 m);
 - at km 21+900, an overpass - length approx. 700 m, minimum width 20 m and minimum height 5 m.
14. In the case of animal passages combined with watercourses, maintain the natural condition of river beds which must be located in the central section of the passage area.
15. The passages in the form of overpasses must be provided with plants guiding the animals. Only native plant species may be used for this purpose. They must be compliant with the natural habitats.
16. Installation of nets separating the route to prevent animals (including amphibians) from entering it in the following locations:
- from km 360+000 to 361+100 – length 1,100 m, on the left and right side (slip road of the Ostróda Zachód [Ornowo] junction – national road no. 15);
 - from km 9+800 to 10+350 – length 550 m, on the left and right side (slip road of the Ostróda Zachód [Ornowo] junction – national road no. 16);
 - from km 12+600 to 13+200 – length 600 m, on the right side;
 - from km 15+770 to 16+150 – length 380 m, on the left side;
 - from km 15+630 to 16+150 – length 520 m, on the right side;
 - from km 16+150 to 16+550 – length 400 m, on the left and right side;
 - from km 16+550 to 17+000 – length 450 m, on the left and right side (after slip roads);
 - from km 18+200 to 19+300 – length 1,100 m, on the left and right side;
 - from km 19+600 to 19+860 – length 260 m, on the left side;
 - from km 19+600 to km 20+300 – length 700 m on the right side;
 - from km 21+400 to 21+900 – length 500 m, on the left and right side. The fence must be constructed with a metal net of variable mesh size, decreasing downwards (dense mesh from the bottom to the height of 60 cm to prevent amphibians, reptiles and small animals from entering the road). The minimum fence height is 250 cm, except for the section from km 360+000 to km 361+100 where dense 60 cm high fencing must be provided. The net needs to be buried under the earth surface to a depth of at least 30 cm.

17. All works connected with necessary drainage of wetlands must be performed under suitable supervision and in line with the herpetologist's guidelines.

IV. Requirements for the prevention of industrial breakdowns for projects classified as plants that pose a danger of a severe breakdown:

This project does not belong to the above-mentioned group of plants.

V. Requirements for limiting the cross-border impact on the environment in relation to the projects in respect of which the investigation on the cross-border impact on the environment was carried out:

Implementation of this project will not cause any cross-border impact on the environment.

VI. Requirements for ascertaining the necessity of creating a limited use area:

The validity of creating a limited use area depends on the results of a post-implementation analysis.

VII. The Investor is obliged to conduct a post-implementation analysis within the following scope:

1. Acoustic impact exerted by the project, i.e. assessment of the effectiveness of solutions used to protect residential areas against noise. The analysis must be carried out within 1 year of the facility commissioning date and submitted within 18 months of the facility 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 of the effectiveness of methods and measures used to protect animal passages within the following scope:

- a) inspection of tightness of protective and guiding fences in the vicinity of a given passage; taking immediate corrective action for all detected damage;
- b) inspection of passability of culverts (for amphibian and reptile passages); removal of all kinds of materials blocking the culvert's inside diameter;
- c) inspection of the development of protective and guiding plants in the vicinity of a passage (adding new plants in the case that the planted vegetation is not growing or is damaged);
- d) inspection of the intensity of human penetration of passages intended exclusively for animals; in the case that evidence of permanent and intensive usage is detected, take measures aimed at limiting access, e.g. by providing large boulders or root stumps by facility outlets.

Implementation date: at least once a year, by 30 April at the latest.

3. The assessment of the effectiveness of the above-mentioned passages must be initiated 1 year after commissioning and continued for the next two years (three years in total).

4. Time and frequency of monitoring activities:

- a) monitoring once a day – two cycles, 10 days each, in the morning, preferably during spring and autumn (for all groups of animals);
- b) additionally, for amphibians: monitoring once a day – two cycles, 3 days each, in the morning, during seasonal spring migrations.

5. The results of the activities described in 2–4 above must be submitted to the Regional Director for Environmental Protection in Olsztyn as:

- a) periodical (annual) reports on works performed;
- b) a final report summarising results of the activities and assessing the effectiveness of animal passages constructed.

VIII. The description of the whole project is enclosed as an annex to this decision.

JUSTIFICATION

The investment project mentioned in the wording of this decision consisting in constructing an expressway has been qualified, according to § 2.1, paragraph 29 of the Ordinance of the Council of Ministers of 9 November 2004 on the determination of the kinds of project that may have considerable impact on the environment and on the detailed conditions relating to the project qualification for the drawing up of a report on the impact on the environment (Journal of Laws No. 257, item 2573, as amended), to a group of projects that may have considerable impact on the environment for which drawing up an environmental impact report is required.

Pursuant to Article 46, section 1.1 of the Act of 27 April 2001 Environmental Protection Law mentioned at the beginning of this decision, implementation of the planned project which may have significant environmental impact is allowed only after obtaining a decision on the environmental conditions for the consent to carry out the project.

Due to the above, the Investor (the General Directorate for National Roads and Motorways, Olsztyn Branch) submitted the application of 29 August 2008, ref.: GDDKiA-O/OL-P4/AB/41/7obw.Ostr./49.4/2008, for issuing an decision on the environmental conditions for the project consisting in "Construction of the Ostróda ring road within the route of the national road no. 16" implemented within the City and Commune of Ostróda, Ostróda Poviát, the Warmińsko-Mazurskie Voivodeship.

It must be mentioned here that, on the day of submitting the above-mentioned application, the Warmińsko-Mazurskie Voivode was the entity competent in the subject matter, i.e. was in charge of the proceedings regarding project environmental impact assessment up to 14 November 2008. After this period, according to Article 153, section 1.2 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 Environmental Impact Assessments, the competences of the Warmińsko-Mazurskie Voivode as regards administrative proceedings conducted in line with the Act of 27 April 2001 Environmental Protection Law were taken over by the Regional Director for Environmental Protection in Olsztyn.

Taking into account the fact that the number of parties to the proceeding exceeds 20, the Warmińsko-Mazurskie Voivode, in line with Article 46a, section 5 of the Environmental Protection Law Act mentioned in the introduction, enforced the provision of Article 49 of the Code of Administrative Procedure, i.e. informed the parties about the conducted proceedings in the usual manner by issuing the announcement of 10 September 2008 regarding initiation of the proceedings on notice boards belonging to: the Ostróda Town Hall, Ostróda Commune Office as well as on the notice board and website of the Public Information Bulletin of the Warmińsko-Mazurskie Voivodeship Office in Olsztyn. This announcement was also published in the local press, i.e. Informator Miejski, issue no. 40, 2008. A notification regarding the conducted proceedings was also sent to heads of villages located in the vicinity of the planned investment project, i.e. Idzbark, Stare Jablonki, Ornowo, Kajakowo and Górka.

Pursuant to Article 32 of the Environmental Protection Law Act, the entity also published information (in the form of the announcement of 7 October 2008) regarding the placement of data on the application for issuance of this decision on environmental conditions for the construction of the S7 expressway.

The parties to the proceedings, as well as the public, were able to familiarise themselves with the submitted application and the report on the environmental impact exerted by the project in the Voivodeship Office in Olsztyn and Ostróda City Hall. They were able to submit comments and applications during the period of 21 days.

Moreover, pursuant to Article 48, section 2.2 of the Environmental Protection Law Act, the conditions of project implementation were agreed upon with:

-General Director for Environmental Protection – decision of 24 September 2009, ref.

The conditions of implementing the investment project defined by the above-mentioned entities have been taken into account in the wording of this decision.

On 13 October 2008, the entity conducting the proceedings aimed at issuing this decision carried out an administrative hearing open to the public in Ostróda Town Hall. Apart from representatives of the Warmińsko-Mazurskie Voivode, the Investor and designers, interested residents of the commune and town of Ostróda participated in the meeting.

As a result of the conducted public consultations, the Warmińsko-Mazurskie Voivode obtained letters from the “Bractwo Wypoczynkowe Żurejny 1” Association and its members as well as residents of the town of Ornowo.

The above-mentioned letters constituted protests against constructing the ring road within the suggested route (as regards Ornowo) or against the assumed technical solutions for routing the road (as regards the Association in Żurejny – the overpass by Szelaż Wielki Lake).

The comments on the planned investment project mentioned in the letters regarded as follows:

1. Residents of Ornowo:

They protested against routing the road through Ornowo, justifying it by the lack of earlier public consultations organised by the Investor as regards the route of the Ostróda ring road in the vicinity of Ornowo. Moreover, they stress the agricultural character of the village and the fact that the road would cross numerous cultivated fields and pastures, which would considerably hinder agricultural activities and the assumed “footbridge” solutions do not guarantee free passage for heavy agricultural machinery in the agricultural works season. Moreover, they stressed the noise and pollution caused by implementation of a project of this size. The residents also expressed their reservations regarding the elaborated environmental impact report for the planned investment project and the method of making it publicly available. They claimed that making it available in the distant quarters of Ostróda City Hall caused serious inconveniences and making a copy of such a thick document would result in considerable costs. The residents appeal for presenting another route of the Ostróda ring road within the route of the national road no. 16 so that it bypasses Ornowo, together with conscientious research regarding the environment and making these suggestions available for public consultations again.

2. “Bractwo Wypoczynkowe” Association in Żurejny:

The Association stressed the lack of acceptance for the suggested solution consisting in routing the road through an overpass by Szelaż Wielki Lake due to environment degradation and taking over the land on which recreational buildings belonging to the Association are located. Due to the above, the Association demanded that the route of the road in the vicinity of Szelaż Wielki Lake should be analysed again and corrected. The changes would consist in routing the road in a manner as similar as possible to the current route of the national road no. 16, i.e. keeping maximum possible distance from the recreational buildings located by Szelaż Wielki Lake.

Following an in-depth analysis of the protests voiced by the residents of Ornowo and the “Bractwo Wypoczynkowe” Association in Żurejny, as well as on the basis of the Investor’s explanations, it has been determined as follows.

Ornowo stretches across the designed Ostróda ring road, which results in the fact that avoiding all developed areas is very difficult. According to the Investor’s explanations, an attempt at bypassing the town would make it necessary to amend the solutions implemented in another project (Samborowo-Ornowo) for which the environmental impact assessment has already been conducted. As complete bypassing of Ornowo, either on the north or on the south, is impossible and, in each variant, would result in amending the Samborowo-Ornowo project as well as protecting the residents against the impact exerted by the road, the current variant includes solutions protecting the local community against the project impact. The acoustic screens planned to be constructed within this section are supposed to ensure that the required standards as regards noise protection will be complied with, which will be finally verified in the post-implementation analysis for the project.

As regards access to agricultural land, the Investor has assured that, despite the fact that the main

road will not be provided with direct exits to farmsteads due to its class and technical parameters, it will be provided with access (service) roads ensuring access to the cultivated fields. Commercial passages to the above-mentioned roads will also be built.

From the point of view of the above-mentioned entity, the public consultations have been conducted in a manner enabling the public to make themselves familiar with the project and a possibility of submitting comments has been ensured. The information regarding the planned administrative hearing has been sent to the heads of individual villages located within the route of the road. It was also provided in the form of announcements in the local press, on commune office notice boards, on the website of the Warmińsko-Mazurskie Voivodeship Office and, next, on the website of the Regional Directorate for Environmental Protection in Olsztyn.

Taking into account the proposals and protests submitted by the “Stowarzyszenie Bractwo Wypoczynkowe w Żurejnach” Association against routing the road through the recreational areas by Szelał Wielki Lake, the Investor organised meetings with the Association. The Regional Director for Environmental Protection in Olsztyn participated in one of these meetings. The issue of changing the location of the overpass has been thoroughly analysed. The analyses conducted have shown that the attempt to bypass the buildings of the recreational centre in Żurejny would result in the necessity to apply lower dual carriageway parameters, which, in turn, would result in worsening the road traffic safety conditions and compromise travel comfort (necessity to provide a speed limit). The technical parameters provided for expressways would not be complied with in this case. Moreover, moving the road towards the route of the present national road no. 16 is impossible due to the collision with the neighbouring railway areas. The Investor has assured that if the detailed designing activities show that it is possible to move the road away even by just a few metres, they will make this attempt.

While meticulously analysing the files of the case regarding the project in question, i.e.:

- 1) application concerning the issue of decision on environmental considerations for implementation of the project;
- 2) the environmental impact report;
- 3) cadastral maps;

the entity conducting the proceedings aimed at issuing this decision has concluded as follows.

Firstly, it must be explained that, during the proceedings, the Investor informed that the names of the Ornowo and Górka junctions had been updated as follows: Ostróda Zachód and Ostróda Południe.

The planned investment project consists in constructing the Ostróda ring road of expressway parameters within the route of the national road no. 16 within the section from the Ornowo (Ostróda Zachód) junction to Stare Jabłonki routed through Lesiak Ostródzki, Kajkowo, Idzbark, etc.

The planned project includes construction of a dual carriageway with a reserve for a third lane including a broad strip of greenery, approx. 12 m, where the width of the land strip utilised for constructing the ring road will be approx. 60 m (max. 100 m) No Passenger Service Points will be built along the road.

The new road section will be routed from the Ostróda Zachód (Ornowo) junction to the Ostróda Południe (Górka) junction and, next, through extension of the existing section of the national road no. 16, to the Stare Jabłonki junction (Variant I) or through a new road section on the southern side of the existing national road no. 16 (Variant III). Within the framework of this investment project, it has also been planned to construct and rebuild engineering structures, i.e. flyovers, overpasses, animal crossings and the Ostróda Zachód (Ornowo) junction, construction of commercial crossings and culverts, rebuilding the technical infrastructure including a high-voltage 110 kV power line and high-pressure gas pipeline, construction of access roads, organisation of pedestrian and bicycle traffic as well as construction of environmental protection facilities.

Within the framework of the design activities, the “zero” variant consisting in not implementing the project in question has been analysed plus four investment variants regarding the route of the planned Ostróda ring road section. Following the initial analyses, taking into account the environmental and technical conditions, Variants II and IV have been abandoned. Thus only Variants I and III have been subject to detailed considerations and analyses as they are considered solutions which least significantly collide with valuable natural areas and cause the least number of social conflicts.

The “zero” variant would consist in non-performance of the project. The road would run within

the existing route along compact residential areas of the town of Ostróda. Failure to implement the planned project will result in intensifying the negative impact of the road on the environment and human living conditions. The negative impact will mostly consist in considerable deterioration of the acoustic climate, increase in transport emissions (resulting in considerable deterioration of the aero-sanitary conditions), increase in pollution from stormwater runoffs, higher risk of a major malfunction and deterioration of traffic safety and efficiency. Due to this, the “zero” variant has been abandoned.

According to the assumptions of both Variant I (preferred by the Investor) and Variant III, the whole planned ring road bypasses the built-up areas of the town of Ostróda. Within the section from Ornowo, through the lowering of the Morliny and Szędzowskie Lakes channel and Kajkowo – Sement Mały to the Ostróda Południe (Górka) junction, the planned route runs through new areas and is identical for both variants. After the Ostróda Południe (Górka) junction the project is divided into Variants I and III.

Variant I will mostly run through the previous route of the national road no. 16 or in its vicinity where the existing road will be used as a service road for local traffic. As far as Variant III is concerned, the section from the Ostróda Południe (Górka) junction to Stare Jabłonki will run within a new route on the southern side of the existing national road no. 16. The fact that the planned route will run through new areas will result in the increase in negative environmental impact. In the case that the project is implemented in Variant III, it will collide with an avenue of maple trees along the Lidzbark–Lubajny road which, together with other broadleaved trees, creates a refugium of epiphytical species of moss and lichen included in the red book of plants endangered in Poland. Moreover, it will result in much more extensive interference with the Natura 2000 “Drwęca River Valley” area and the “Drwęca River Valley” nature reserve as the planned road will require construction of a new crossing in a location in the valley which is much broader than in Variant I, which will result in destroying the plant groups located on the river banks. A considerable advantage of Variant I over Variant III is the fact that implementation of this variant will require using the smallest area of new land (valuable from the environmental point of view) due to the fact that it will run within the existing route of the national road no. 16. Moreover, implementation of the project in Variant III will require demolishing a much bigger number of residential buildings and buying out larger areas of new land in comparison with Variant I.

During the proceedings conducted by the General Director for Environmental Protection aimed at issuing the approving decision for the project in question, the type of crossing over the Drwęca River has been changed, i.e. previously, the crossing was designed in the form of a single-span bridge located in approx. km 19+450. Eventually, the Drwęca River valley will be crossed by the national road no. 16 by an overpass. This solution is much more beneficial from the environmental point of view as the designed overpass will run over the whole ecosystem of the valley, which is an ecological corridor of national significance. The length of the designed overpass will be approx. 300 m, which will make it possible to recreate the initial topography and ecosystem of the valley in this location. Moreover, due to the fact that the Natura 2000 “Drwęca River Valley” PLH 280001 area also includes the “Drwęca River” nature reserve, during the construction of the overpass, it is forbidden to interfere with the river bed and 5 m protective strips along each bank. Due to the above, the overpass will be constructed by means of the span sliding method, which will minimise interference with the natural environment in valuable natural areas. Supports will be located outside the Drwęca River bed and the 5 m protective strips.

Due to the above, having analysed the environmental, social, economic and technical conditions, Variant I has been selected as the most favourable investment solution for the planned project.

According to the imposed conditions, whose aim is to limit the negative impact of the project exerted on the environment, construction works will be performed in a manner ensuring economical land use and minimum transformation of its surface. After the works are completed, the area will be reclaimed and restored to its original condition. The access roads to the construction site will be routed, if possible, on the basis of the existing network of transport routes. If possible, the technical back-up facilities of the construction site will be located outside areas protected on the grounds of the Act on Environmental Protection, including Natura 2000 areas; wetlands, river valleys with their flood areas, in particular the Drwęca River and other watercourses; vicinity of the following lakes: Ornowo, Kajkowo, Sement Mały, Szędzowskie, Szelaż Wielki and Szelaż Mały; boundaries of the Drwęcko-Taborski Underground Water Reservoir; the direct vicinity of residential buildings; forests and their neighbouring areas. Moreover,

construction works will be performed in planned stages in order to avoid closing animal migration routes. When carrying out construction works, formation of stagnant water pools in which amphibians might spawn must be avoided. Additionally, in order to protect valuable natural areas, the performance periods of construction works must be as short as possible, in particular within the Natura 2000 “Drwęca River Valley” area and in the vicinity of Szelaż Wielki and Kajkowo Lakes as well as in the Morliny and Szędzowskie Lakes channel.

Construction waste should be sorted and stored at allocated locations in containers, and its regular collection by authorised entities should be ensured. Hazardous waste that may be generated during construction works will be segregated and separated from inert waste for removal by specialist disposal companies. Construction works will be conducted in such a way as to minimise the amount of construction waste generated.

The back-up facilities area (including parking areas for machines and means of transport) will be suitably protected in order to prevent contamination of water and soil by petroleum derivatives. The construction site back-up facilities will be equipped with sanitary facilities, whose contents will be systematically removed by authorised entities.

As a result of project implementation, it will be necessary to remove a layer of humus from the strip of the land on which the body of the road will be located. The soil layer removed from the construction area during earthworks will be properly deposited and re-used after the completion of works, i.e. for reclamation of the areas used as back-up facilities.

The construction of the road will involve an increased noise level from the operation of construction equipment and other devices (e.g. when cutting trees) and from means of transport used during construction. The noise will be of local coverage, yet its intensity will be high. Accordingly, construction works in the closest acoustically protected areas will be carried out only during daytime (6 a.m. – 10 p.m.), and, if possible, machines emitting intense noise will not be operated at the same time. Nuisance related to the road construction will have a medium-term impact lasting until the construction works are completed.

The operation of the planned road will involve the emission of noise by moving vehicles. The road will be routed mostly through undeveloped areas, arable land in particular: arable fields, meadows and fallow land. Residential buildings are located only in the intersections with the existing roads (vicinity of Lesiak Ostródzki, Ornowo and Kajkowo) and in the vicinity of Szelaż Wielki Lake where recreational-leisure areas are located. In order to minimise the acoustic inconveniences connected with operation of the new road, the design includes construction of acoustic screens mentioned in III.1 of the document. They will mitigate the negative impact of noise emitted by vehicles and will allow the standard values of noise within areas included in acoustic protection to be complied with. Moreover, it must be stressed that, as regards the presence of valuable natural and landscape advantages of the areas through which the designed road will be routed, transparent, mixed or sound-absorbing screens will be used. In the case of non-absorbing screens (i.e. not smooth screens), their walls will be covered with climbing plants in order to exert positive impact on the microclimate, decrease the subjective noise perception and decrease the intensity of the effect consisting in multiple reflections of noise waves from a screen.

In order to verify the acoustic analyses provided in the report, a post-implementation analysis to be carried out as regards the assessment of the actual impact of the road and effectiveness of solutions used to ensure protection for residential housing areas against noise pollution. The analysis will be carried out within 1 year of the facility commissioning date and submitted within 18 months of the facility commissioning date. In the case that the permissible noise limit values are exceeded, appropriate protection measures will be applied. If environmental quality standards cannot be met, measures aimed at creating a limited use area will be taken.

During the project implementation stage, inconveniences involving the negative impact on the air resulting from emissions of air pollutants produced in the process of fuel combustion in internal combustion engines of lorries and other vehicles used for construction works (e.g. diggers, loaders, bulldozers) may be expected. In addition, dust formation may occur during earthworks. However, its impact will only be limited to the immediate vicinity of the site. The emission of air pollutants during the implementation of the investment project will be temporary and the related inconveniences will cease once the construction works are completed.

The analysis of the results of air pollution intensity modelling in the vicinity of the planned road has shown that no permissible air pollution limits will be exceeded outside the boundary lines. In the forecast regarding concentrations of NO₂ for 2012, the permissible values have been slightly exceeded within the road lane of the investment project. The observed downward trend regarding the concentrations of NO₂ pollution makes it possible to forecast that, in 2025, the permissible values concerning this type of pollution will not be exceeded even within the road lane.

The planned investment project is routed through the Drwęcko-Taborski Underground Water Reservoir area. Due to the high level of underground water within its boundaries and lack of natural insulation of the water-bearing layer in this area, stormwater sewage will be collected in the stormwater sewage system in order to protect the underground water against pollution.

The planned Ostróda ring road crosses a number of small watercourses and one large watercourse, i.e. the Drwęca River. Moreover, it passes a number of smaller and larger stagnant water reservoirs, from small ponds in fields through larger ponds and lakes. The examples of lakes located in the direct vicinity of the planned road include: Ornowo Lake, Kajkowo Lake, Morliny Lake, Szędzowskie Lake and Szeląg Mały Lake. Moreover, the designed road will be routed over Szeląg Wielki Lake through an overpass.

Construction works will be performed in such a manner so as not to induce changes or limit the flow size in surface watercourses and groundwater streams and changes in direction and velocity of water flow. This condition does not apply to the watercourse connecting Kajkowo and Sement Mały Lakes. During construction works, the waterlogged grounds and water reservoirs located near the route (outside the road lane) will not be disturbed and construction works connected with draining these sections will be conducted with the use of solutions guaranteeing maintenance of the existing water conditions. During construction works, all measures protecting against polluting (including petroleum derivatives) surface and underground water as well as soil must be implemented. Due to this, in the event of a harmful substance leak, the Contractor should have at their disposal applicable sorbents used to precipitate pollutants, in particular petroleum derivatives (e.g. fuel, grease) and synthetic substances (e.g. oil) and seal the construction back-up facilities area as well as material and fuel storage facilities, in particular within locations in the direct vicinity of natural watercourses. While constructing overpasses over surface watercourses and Szeląg Wielki Lake, use screens preventing the watercourses and lake from being polluted.

The stormwater will be discharged from the designed road by means of a stormwater sewage system and unsealed roadside ditches equipped with gates cutting off the outflow in emergencies. Before the discharge to the final tanks, general suspended matter will be removed from the stormwater in mechanical devices (i.e. setting tanks) and oil-derivative hydrocarbons will be removed in separators. The suggested drainage-treatment system will be used for prevention purposes, e.g. within areas of particular environmental vulnerability, i.e. in the vicinity of lakes (bathing beaches), the Natura 2000 "Drwęca River Valley" area (fish habitats) and the Drwęcko-Taborski Underground Water Reservoir. Treated stormwater sewage will be discharged to the existing crosswise watercourses and lakes, however, discharging this water to the Drwęca River is absolutely ruled out as this river constitutes an ichthyological nature reserve included in the migrating fish restoration programme. This system will protect the water and soil environment against pollutants flowing from the road with stormwater. This will allow the significant negative impact exerted by the road on the natural environment, in particular the water and soil environment, to be minimised.

In order to maintain the animal migration corridors, animal passages have been designed. Their locations and parameters are described in section III of the decision (11–16). Moreover, in the case of animal passages combined with watercourses, it is necessary to maintain the natural condition of river beds which must be located in the central section of the passage area. Passages in the form of overpasses must be provided with plants guiding the animals. Only native plant species may be used for this purpose. They must be compliant with the natural habitats. Additionally, in order to prevent animals from entering the roadway, fencing will be provided within given sections of the road in line with the guidelines described in section III.16 of the document.

In the locations where increased migration of herpetofauna has been detected, the road in question will be fenced by means of a suitable net in order to protect amphibians against entering the road; culverts streamlining their migration will also be constructed. The situation of amphibians and reptiles must be

taken into account in the vicinity of the Ostróda Zachód (Ornowo) junction. It is connected with the fact that, within this section, the planned road will run in a trench and there is no technical possibility to create culverts for amphibians and reptiles. Thus the only possible protection measure is to fence both sides of this section with a dense, 60 cm high fence.

Moreover, in order to limit the negative impact of the planned project on herpetofauna during its implementation stage, the following provisions must be complied with: earthworks in the vicinity of reservoirs, watercourses, pools and amphibian breeding grounds will be conducted outside the period of their mass migration (outside the periods from the beginning of March to the end of May and from the middle of September to the middle of October). Additionally, all works connected with necessary drainage of wetlands must be performed under suitable supervision and in line with the herpetologist's guidelines.

Moreover, due to the lack of technical possibilities for changing the location of the Ostróda Południe (Górka) junction and, in turn, constructing an integrated road junction of the S7 and national road no. 16 with simultaneous abandonment of construction of a junction between Sement Mały and Kajkowo Lakes, it is necessary to maintain the ecological channel which will ensure passability of the existing migration corridor for animals between the basins of these lakes. Currently, Kajkowo and Sement Mały Lakes are separated by an old railway embankment with a culvert provided for the watercourse connecting the lakes. Animals, mostly amphibians, currently migrate along this watercourse. Within the framework of the planned project, at km 16+800 (i.e. within the problematic section) an integrated passage will be provided consisting of 3 culverts routed under the planned junction, precisely speaking, under the main road and two slip roads. The watercourse connecting these lakes will be relocated and partially reconstructed within this section. Moreover, the passages will be provided with concrete fences protecting them against entering the roadway and directing them towards the passage. Additionally, in order to enable small animals to use the above-mentioned passages, 0.5–1 m wide shelves must be installed over the water table; they must be continuously connected with the outside land. Thus the designed culverts will ensure passability of the migration corridor despite the fact that the new junction will be constructed.

The planned investment project will pass through the special area of protection of habitats, i.e. the Natura 2000 "Drwęca River Valley" (PLH280001). However, thanks to applying certain minimising measures described in the decision, the project will not exert any considerable impact on this area and its implementation will neither result in the loss of habitat integrity nor violate the general cohesion of the protected areas network. It must be noted that the above-mentioned area contains the "Drwęca River" nature reserve. This area is extremely important for protecting the rich ichthyofauna and the mosaic of habitats connected with the river valley. The above-mentioned Natura 2000 area includes the following habitats enumerated in the Annex I to the Council Directive 92/43/EEC: transition mires and quaking bogs (7140), lowland and mountain hay meadows extensively used (6510), riparian forests and river-adjacent osier holts (91E0), hydrophilous tall herb fringe communities of plains and of the montane to alpine levels (6430) and oak-hornbeam forests (9170) sensitive to changes in water relations. Due to the above, in order to protect the nature resources, it is particularly important to avoid any disturbance of the Drwęca River bed and its tributaries. Thus the Natura 2000 "Drwęca River Valley" area and the Drwęca River itself will be crossed by means of an overpass. It will be constructed by means of the span sliding method and its support walls will be located outside the river bed and the 5 m protective strip along either bank. This measure will make it possible to cross the river by means of one span and eliminate a number of impacts possible to be exerted by projects of this type, e.g. direct destruction of natural habitats or species habitats, the barrier effect or local transformation of the river bed.

Other impacts that may be exerted during the road construction and operation stage include: startling the fish migrating through the river, clouding and silting the river, polluting water by a defective road drainage system, i.e. salting, contamination in each case. In order to eliminate these risks, the Investor must comply with a series of conditions.

The prohibition to perform works interfering with the Drwęca River bed and its tributaries from early September to late May results from the presence of the fish species described in Annex II to the Council Directive 92/43/EEC, i.e.: European river lamprey, Atlantic salmon, spined loach, European weatherfish and asp. Moreover, during the construction works connected with the overpass over the

Drwęca River, suitable screens will be provided to protect the watercourse against dust and other pollutants or waste. Additionally, in order to maintain the natural river bed, its reinforcing, deepening and lining with fascine is absolutely forbidden.

The investment project location within a strict nature reserve and a Natura 2000 area makes direct discharge of stormwater to the Drwęca River impossible. Such discharge may result in forming a “cloud” of suspended matter or sand as well as water turbidity, which is dangerous for the organisms inhabiting the river. Thus sewage from the overpass will be collected and discharged by a stormwater sewage system.

It must be noted that the planned road will be routed over Szelaż Wielki Lake through an overpass. The spacing of the supports of the overpass must be at least 40 m. The overpass must be constructed by means of the span sliding method in order to minimise the disturbance of the natural environment. The overpass supports must be located in a manner ensuring minimum disturbance of the lake basin. Moreover, in order to protect the fish species in this lake, any works which might disturb its basin must be performed outside the fish breeding and spawn incubation periods (i.e. from the beginning of March to the end of June and from the middle of October to the end of December).

The area included in the planned investment project is also located within boundaries of two Protected Landscape Areas (OChK): Taborskie Forests and the Lower Drwęca River Valley. Within the protected landscape areas, the road in question will be routed in a manner making it compatible with the existing land and preventing construction of high embankments and deep excavations. Moreover, several most valuable natural locations will be provided with overpasses minimising interference with protected areas. Moreover, routing the road according to Variant I will be much more advantageous for these areas as, within the sections routed through these areas, the road will run within the existing route of the national road no. 16 and the necessary construction works will only consist in extending the existing route.

The conducted nature inventory has shown that the most valuable area within the route of the planned ring road (within the section from the Ostróda Zachód [Ornowo] junction to the Ostróda Południe [Górka] junction) is the passage of the road through the Morfiny and Szędzowskie Lakes channel in Lesiak Ostródzki (approx. km 13+400). Routing the road in this area will result in crossing a sub-Atlantic broadleaved forest characterised with the presence of rare plant species and destructing approx. 0.2 % of the habitat. The fact that the road will be routed there through an overpass will limit the losses to the necessary minimum and will not have any negative impact on the condition and integrity of the above-mentioned habitat. Due to the fact that the above-mentioned broadleaved forest covers almost the entire channel, there is no alternative solution making it possible to bypass the habitat. Moreover, routing the road in this location in line with another variant would result in the necessity to change the location of the Ostróda Południe (Górka) junction, which, in consequence, would make it necessary to abandon the variant in which the road runs through the existing route and, as a result, it would become necessary to construct the planned ring road within a much broader section of the Drwęca River valley, which is a legally protected area.

Implementation of the planned project requires clearing the plants colliding with the designed road. Clearance will be limited to a necessary minimum; trees located on the construction site that are not to be cut down must be protected against mechanical damage, e.g. by means of trunk protection measures. Any tree or bush clearance activities will be carried out outside the bird breeding season (i.e. from the beginning of March to the end of August).

Moreover, in order to compensate for the losses in the existing tree stands, additional thickening plants will be provided (shrubs and trees), in particular in the Kajkowo and Sement Mały Lakes area, in order to replenish the plants destroyed in the vicinity of the lakes as a result of constructing the Górka junction slip roads. Moreover, thickening plants will also be provided in the forest areas of the Taborskie Forests as well as in the pine-birch marsh forest near Lubajny. The thickening plants will minimise the potential wind and air pollution impact on uncovered (as a result of plant clearance) sections and the internal parts of tree stands and will also prevent erosion. The provided plants must include only native species present in a given stand, taking into account habitat conditions. The detailed conditions of providing plants in forest areas, including their species content, must be agreed upon with an applicable forest division.

It must be noted that, in parallel to the designed new route of the national road no. 16, the S7 expressway within the Miłomłyn – Olsztynek section is also planned. Both routes will intersect at the Ostróda Południe (Górka) junction. Due to this, the accumulated impact issue resulting from the overlapping impacts exerted by these roads must be taken into account. In this case, it has been estimated that the accumulated impact will mostly concern the acoustic impact of intersecting roads and the whole Ostróda Południe (Górka) junction. Following the acoustic forecasts connected with operation of this junction, it may be concluded that the impact area will not include protected housing areas and additional noise protection measures will not be necessary. This mostly results from the fact that the Ostróda Południe (Górka) junction area is poorly developed and located among agricultural, industrial and storage facilities not included in acoustic protection, similarly as its impact area. The closest detached houses are located by Sement Mały Lake (by the existing national road no. 7), i.e. approximately 280 m away from the new route of the national road no. 16. Moreover, the suggested location of the Ostróda Południe (Górka) junction results from the location of the junction already existing in this area. However, the new junction together with the S7 expressway will be moved away from the houses, which will improve the acoustic condition of the adjacent areas. Air pollution will be present within the road lane of both investment projects and stormwater sewage will be collected within this facility in a tight sewage system and, after treatment in suitable equipment (e.g. separators and settling tanks), discharged to the existing watercourse.

Moreover, in order to avoid disturbing the passability of the animal migration corridor in the Ostróda Południe (Górka) area, at km 17+970 of the national road no. 16 whose section from km 17+000 to km 18+200 will be constructed within the framework of the investment project entitled “Construction of the S7 expressway within the Miłomłyn – Olsztynek section”, a passage for medium-sized animals has been designed to be integrated with the watercourse present in this location. The location of this passage has been agreed upon with the Miłomłyn Forest Division. Its minimum dimensions are: width 10 m and height 3.5 m. Construction of this passage will minimise any possible accumulated impact on the migration corridor resulting from operation of both roads and the junction.

Taking into account the conditions presented above, it must be stated that the planned project should not exert any significant impact on the environment, provided all protective devices are constructed correctly and all conditions mentioned in this decision are met.

Instruction

This decision is subject to appeal, through the Regional Directorate for Environmental Protection in Olsztyn, to the General Director for Environmental Protection, 7/9 M.J. Piłsudskiego Avenue, 10-575 Olsztyn, within 14 days from the date on which it is delivered.

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cc:

1. The General Directorate for National Roads and Motorways
Olsztyn Branch,
89 Warszawska Avenue, 10-083 Olsztyn
2. Other parties – an announcement
pursuant to Article 49 of the Code of Administrative Procedure.
3. file

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RDOŚ-28-WOOS-6613-025/09/am

Characteristics of the planned project

Annex 1

to the decision of the Regional Director for Environmental Protection in Olsztyn of 26 November 2009, ref. RDOŚ-28-WOOS-6613-025/09am, on the environmental conditions for the project implemented in Variant I and consisting in "Construction of the Ostróda ring road within the route of the national road no. 16" implemented within the City and Commune of Ostróda, Ostróda Poviát, the Warmińsko-Mazurskie Voivodeship.

The planned investment project consists in constructing the Ostróda ring road of expressway parameters within the route of the national road no. 16 within the section from the Ornowo (Ostróda Zachód) junction to Stare Jabłonki routed through Lesiak Ostródzki, Kajkowo, Idzbark, etc.

The planned project includes construction of a dual carriageway with a reserve for a third lane including a broad strip of greenery, approx. 12 m, where the width of the land strip utilised for constructing the ring road will be approx. 60 m (max. 100 m). The new road section will be routed from the Ostróda Zachód (Ornowo) junction to the Ostróda Południe (Górka) junction and, next, through extension of the existing section of the national road no. 16, to the Stare Jabłonki junction (Variant I) or through a new road section on the southern side of the existing national road no. 16 (Variant III).

Within the framework of this investment project, it has also been planned to construct and rebuild engineering structures, i.e. flyovers, overpasses, animal crossings and the Ostróda Zachód (Ornowo) junction, construction of commercial crossings and culverts, rebuilding the technical infrastructure including a high-voltage 110 kV power line and high-pressure gas pipeline, construction of access roads, organisation of pedestrian and bicycle traffic, as well as construction of environmental protection facilities.

Within the framework of the design activities, the "zero" variant consisting in not implementing the project in question has been analysed plus four investment variants regarding the route of the planned Ostróda ring road section. Following the initial analyses, taking into account the environmental and technical conditions, Variants II and IV have been abandoned. Thus only Variants I and III have been subject to detailed considerations and analyses as they are considered as solutions which least significantly collide with valuable natural areas and cause the least number of social conflicts. Among the detailed described variants, it has been concluded that Variant I is preferred for implementation. Moreover, it is the most advantageous variant from the environmental point of view.

According to the imposed conditions, whose aim is to limit the negative impact of the project exerted on the environment, construction works will be performed in a manner ensuring economical land use and minimum transformation of its surface. After the works are completed, the area will be reclaimed and restored to its original condition. If possible, the technical back-up facilities of the construction site will be located outside areas protected on the grounds of the Act on Environmental Protection, including Natura 2000 areas; wetlands, river valleys with their flood areas, in particular the Drwęca River and other watercourses; vicinity of the following lakes: Ornowo, Kajkowo, Sement Mały, Szędzowskie, Szelał Wielki and Szelał Mały; boundaries of the Drwęcko-Taborski Underground Water Reservoir; the direct vicinity of residential buildings; forests and their neighbouring areas.

Construction waste should be sorted and stored at allocated locations in containers, and its regular collection by authorised entities should be ensured. Hazardous waste possibly produced during

construction works will be segregated and separated from neutral waste and transported to specialised waste management companies to be neutralised. Work is to be organized so as to minimize the amount of created construction waste.

The construction of the road will involve an increased noise level from the operation of construction equipment and other devices (e.g. when cutting trees) and from means of transport used during construction. The noise will be of local coverage, yet its intensity will be high. Accordingly, construction works in the closest acoustically protected areas will be carried out only during daytime (6 a.m. – 10 p.m.). Nuisance related to the road construction will have a medium-term impact lasting until the construction works are completed.

In order to minimise the acoustic inconveniences connected with operation of the new road, the design includes construction of acoustic screens mentioned in III.1 of the document. In order to verify the acoustic analyses provided in the report, a post-implementation analysis to be carried out as regards the assessment of the actual impact of the road and effectiveness of solutions used to ensure protection for residential housing areas against noise pollution. The analysis will be carried out within 1 year of the facility commissioning date and submitted within 18 months of the facility commissioning date. In the case that the permissible noise limit values are exceeded, appropriate protection measures will be applied. If environmental quality standards cannot be met, measures aimed at creating a limited use area will be taken.

During the project implementation stage, inconveniences involving the negative impact on the air may be expected. The emission of air pollutants during the implementation of the investment project will be temporary and the related inconveniences will cease once the construction works are completed.

Stormwater will be discharged from the designed road by means of a stormwater sewage system and unsealed roadside ditches equipped with gates cutting off the outflow in emergencies. Before discharge to the final tanks, general suspended matter will be removed from the stormwater in mechanical devices (i.e. setting tanks) and oil-derivative hydrocarbons will be removed in separators. This system will protect the water and soil environment against pollutants flowing from the road with stormwater. This will allow the significant negative impact exerted by the road on the natural environment, in particular the water and soil environment, to be minimised.

In order to maintain animal migration corridors, animal passages have been designed. Their locations and parameters are described in section III of the decision (11–16). Additionally, all works connected with necessary drainage of wetlands must be performed under suitable supervision and in line with the herpetologist's guidelines.

The planned investment project will pass through the special area of protection of habitats, i.e. the Natura 2000 "Drwęca River Valley" (PLH280001). However, thanks to applying certain minimising measures described in the decision, the project will not exert any considerable impact on this area and its implementation will neither result in the loss of habitat integrity nor violate the general cohesion of the protected areas network.

The area included in the planned investment project is also located within boundaries of two Protected Landscape Areas (OChK): Taborskie Forests and the Lower Drwęca River Valley. Within the protected landscape areas, the road in question will be routed in a manner making it compatible with the existing land and preventing construction of high embankments and deep excavations. Moreover, several most valuable natural locations will be provided with overpasses minimising interference with protected areas. Moreover, routing the road according to Variant I will be much more advantageous for these areas as, within the sections routed through these areas, the road will run within the existing route of the national road no. 16 and the necessary construction works will only consist in extending the existing route.

Implementation of the planned project requires clearing plants colliding with the designed road. Clearance will be limited to a necessary minimum; trees located on the construction site that are not to be cut down must be protected against mechanical damage, e.g. by means of trunk protection measures. Any tree or bush clearance activities will be carried out outside the bird breeding season (i.e. from the beginning of March to the end of August).

Moreover, in order to avoid disturbing the passability of the animal migration corridor in the Ostróda Południe (Górka) area, at km 17+970 of the national road no. 16 whose section from km 17+000

to km 18+200 will be constructed within the framework of the investment project entitled “Construction of the S7 expressway within the Miłomłyn – Olsztynek section”, a passage for medium-sized animals has been designed to be integrated with the watercourse present in this location. The location of this passage has been agreed upon with the Miłomłyn Forest Division. Its minimum dimensions are: width 10 m and height 3.5 m. Construction of this passage will minimise any possible accumulated impact on the migration corridor resulting from the operation of both roads and the junction. Additionally, this project requires a post-implementation analysis to be carried out as regards the assessment of the effectiveness of methods and measures used to protect the animal passages.

The conducted analysis of the impact exerted by the planned construction works on the environment as regards air pollution, noise and water, sewage and waste management has shown that implementation of the project in question will not lead to violations of environmental protection requirements in force.

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