



Olsztyn, 28 December 2021

**REGIONAL DIRECTOR  
DIRECTOR FOR ENVIRONMENTAL PROTECTION  
IN OLSZTYN**

WOOŚ.420.8.2021.BG.22

**RESOLUTION**

Acting pursuant to art. 111 par. 1a of the Act of 14 June 1960. - Code of Administrative Procedure (Journal of Laws of 2021, item 735, as amended, hereinafter: the Code of Administrative Procedure)  
Regional Director for Environmental Protection in Olsztyn

**decides**

**to supplement ex officio the decision on environmental conditions of 15 December 2021, ref. no. WOOŚ.420.8.2021.BG.18, for the undertaking Construction of a meteorological radar on plot 330/3, Uźranki precinct, Mrągowo commune, Mrągowo powiat, Warmińsko-Mazurskie voivodeship, by adding the following subsection 13a to the decision in section II, after section 13:**

**In exceptional situations, e.g.: related to the schedule of works, construction works with the use of heavy equipment may be carried out during the above-mentioned nesting period under the supervision of a nature conservation specialist. If it is found that the prohibitions set out in Article 52 Section 1 of the Nature Conservation Act may be violated, the works must be suspended until the appropriate authority issues a permit to deviate from the prohibitions set out in the said Article.**

**JUSTIFICATION**

On 15 December 2021 The Regional Director for Environmental Protection in Olsztyn issued the decision on environmental conditions, no. WOOŚ.420.8.2021 RG.18, for the undertaking entitled: Construction of a meteorological radar on plot 330/3, Uźranki precinct, Mrągowo commune, Mrągowo powiat, Warmińsko-Mazurskie voivodeship. In its original wording, the decision in section II did not contain subsection 13a in the wording given by this decision.

According to the justification of the said decision, there is no tree or shrub vegetation in the area of the planned construction project, which could constitute bird habitats. The described area may nevertheless be a temporary and incidental resting/feeding site for birds. The possibility of birds nesting on the area in question cannot be excluded, though. Therefore, in order to completely eliminate the possibility of negative impact of the investment on birds, works with the use of heavy equipment should be conducted outside the nesting period from March to August. However, taking into account the nature of the investment area and the lack of established protected species habitats, it was allowed to conduct the works during the nesting period under the supervision of a nature conservation specialist. The role of the supervisor should be to verify whether the site is inhabited by birds and other animal groups. In case the nature conservation specialist confirms the nesting of birds or presence of other protected species on the site, for which the applicant has not been issued with a required permit, the works should be suspended and a necessary permits should be issued from the appropriate authority.

According to art. 111 par. 1 and 1a of the Code of Administrative Procedure, the public administration body which issued the decision may supplement it or correct it as to the conclusion, or as to the right to appeal, bring an action to the common court or a complaint to the administrative court against the decision, or correction of the instructions concerning these issues in the decision.

Addition of the lacking (changing the content of the decision) subsection 13a concerned the conclusion, thus it could be done by issuing a decision pursuant to art. 111 par. 1a of the Code of Administrative Procedure.

### **Instruction**

As a result of this resolution, the 14-day period for lodging an appeal runs from the date of its delivery or announcement (Article 111 par. 2 of the Code of Administrative Procedure). A complaint may not be made against the resolution on supplementation of the decision.



REGIONALNY INSPEKTOR  
OCHRONY SANITARYJNEJ  
W WARMII I MAZURACH  
Agata Moździerz

#### Recipients:

1. Mr. Marcin Walter, KLIMAS Przedsiębiorstwo Budowlano-Projektowe, 1 16 Zdunowska St., 63-700 Krotoszyn
2. Institute of Meteorology and Water Management - National Research Institute 61 Podleśna St., 01-673 Warsaw
3. Mr Henryk Stachelek
4. Ms Urszula Stachelek
5. Ms Magdalena Gębka
6. Mrągowo Commune, 60A Królewiecka Street, 11-700 Mrągowo
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#### For the attention of:

1. Warmia and Mazury State Regional Sanitary Inspector, 16 żołnierska Street, 10-561 Olsztyn
2. National Water Holding Polish Waterways Regional Water Management Board in Białystok, 17A J. K. Branickiego St., 15-085 Białystok