



Regional Director for Environmental Protection in Gdańsk

RDOŚ-Gd-WOO.420.40.2022.AM.35.

Gdańsk, December 14, 2023

DECISION

Based on Article 111 § 1 and Article 126 of the Act of June 14, 1960 – Code of Administrative Procedure (Journal of Laws of 2023, item 735 as amended, hereinafter the Code of Administrative Procedure), acting upon request of the Investor: Bałtyk II & Bałtyk III OWF represented by Ms. Anna Marczak, letter ref. No.: MFWBII-062/2023/AM; MFWBIII-071/2023/AM dated December 12, 2023,

I hereby decide to

supplement the decision on environmental conditions of November 29, 2023, ref. No. RDOŚ-Gd-W00.420.40.2022.AM.32, for the project named **“Grid connection infrastructure of the Bałtyk II OWF and Bałtyk III OWF Offshore Wind Farms”** located in the maritime area of the Republic of Poland – in the Exclusive Economic Zone, in territorial sea and internal sea waters and onshore – in the area of Ustka and Słupsk municipalities (Słupsk district, Pomorskie Voivodship), so that in the content of the decision

1. in point I 2) 26. on page 10, after the text: “in the sea area”, the following is added:
“within the Natura 2000 site Coastal Waters of Baltic Sea PLB990002”
2. in point I 2) 26. on page 10, after the text: “outside the period from November 1 to April 30”, the following is added:
“until April 30 or under the supervision of an ornithologist”

STATEMENT OF GROUNDS

On November 29, 2023 the Regional Director for Environmental Protection issued a decision on environmental conditions, ref. No. RDOŚ-Gd-WOO.420.40.2022.AM.32., for the

project named “**Grid connection infrastructure of the Bałtyk II OWF and Bałtyk III OWF Offshore Wind Farms**”. In its original version, the decision did not contain point I 2) 26. on page 10 in the wording provided by this decision.

Pursuant to Article 111 § 1 of the Code of Administrative Procedure, a Party may, within fourteen days from the date of delivery or announcement of the decision, request it to be supplemented with the operative part or with the right to appeal, bringing an action against the decision before a common court of law or file a complaint with an administrative court or rectifying the instruction in these matters, contained in the decision.

On December 12, 2023 the Investor Bałtyk II & Bałtyk III OWF represented by Ms Anna Marczak, by letter ref. No.: MFWBII-062/2023/AM; MFWBIII-071/2023/AM of December 12, 2023 requested clarification of the content of the above-mentioned decision on environmental conditions and its supplementation with the operative part. Request regarding condition No. 26 from section I point 2) reading as follows: 26. *“Offshore execution works and service works (not applicable to the removal of failures) shall be carried out outside the period of concentration of wintering and migrating populations of waterbirds, i.e. outside the period from November 1 to April 30.”*

In accordance with the conducted environmental impact assessment, the Environmental Impact Report, hereinafter referred to as the EIA Report, shows that the impact of the construction phase on seabirds without mitigation measures will be moderate. It has been proposed that this impact can be significantly reduced or eliminated by appropriate selection of deadlines for installation works. The mitigation measure proposed by the authors of the EIA Report has also been reflected in conditions 25 and 27 of the Environmental Decision, i.e.:

- 25. *Within the Coastal Waters of Baltic Sea PLB990002 Natura 2000 site, it is recommended to increase the pace of works in months outside the migration and wintering period of birds.*
- 27. *Within the Słupsk Bank PLC990001 Natura 2000 site, all works should be performed outside the migration and wintering periods of birds, which falls from October 1 to April 30, except when ornithological supervision finds that migration is delayed or completed earlier.*

Taking into account the results of the environmental impact assessment carried out for the project and other conditions of the Environmental Decision which determine the requirements for the most valuable areas, i.e. Natura 2000 sites, the analyzed condition No. 26 required clarification.

Since bird concentrations during wintering and migration periods do not occur in the entire sea area, and according to the arrangements included in the EIA Report, the only area of significant bird concentrations in the water regions through which the Project runs is the Słupsk Bank site (restrictions regarding works in the Natura 2000 site of the Słupsk Bank PLC990001

were included in condition 27 of the above-mentioned decision), it is obvious that the condition 26 does not apply to the entire sea area. Therefore, the provision "in the sea area" has been clarified by adding the provision "within the Natura 2000 site Coastal Waters of Baltic Sea PLB990002".

The above conditions, as well as condition 26, are aimed to minimize negative impacts on birds during migration and wintering in maritime Natura 2000 sites. Taking into account the provisions of the above conditions, the addition of "or under the supervision of an ornithologist" in condition 26 allows to sufficiently ensure the protection of the aforementioned birds. The above is also reflected in the statement of grounds to the issued environmental decision.

The addition of the missing (changing the content of the decision) point I 2) 26. concerned the operative part, therefore it could occur by issuing a decision pursuant to Article 111 § 1 of the Code of Administrative Procedure. With regard to the foregoing, I decide as in the introduction hereto.

Instruction

As a result of issuing this decision, the 14-day time limit for lodging an appeal runs from the date of its delivery or announcement (Article 111 § 2 of the Code of Administrative Procedure). The decision regarding supplementation of the environmental decision may not be appealed against. This decision may be appealed against only in an appeal against the environmental decision (Article 142 of the Code of Administrative Procedure).

Regional Director for
Environmental Protection
in Gdańsk

Anna Tchórzewska

To be received by

1. Investor through a proxy – Anna Marczak, ul. Krucza 24/26, 00-526 Warsaw
- ② Parties to the procedure by means of a notice
3. To files, Prepared by Agata Mach

To the attention of:

1. Director of the Maritime Office in Gdynia, ul. Chrzanowskiego 10, 81-338 Gdynia
2. State Border Sanitary Inspector in Gdynia, ul. Kontenerowa 69, 81-155 Gdynia
3. National Water Management Authority Wody Polskie, Water Catchment Authority in Koszalin, 75-601 Koszalin, ul. Zwycięstwa 111
4. Military Center for Preventive Medicine, ul. Grudzińskiego 4, 81-125 Gdynia