

DCT Gdańsk Sp. z o.o.

Gdansk Port | DCT Terminal 3 (T3) | Poland

Critical Habitat Assessment (CHA)

| 11 July 2022

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Contents

1.	Introduction	1
1.1	Project Description	1
1.2	EIA Process and Environmental Decision	1
1.3	Main Gap Analysis Findings and Actions	2
1.3.1	Gaps identified in the Biodiversity and Living Natural Resources Assessment	2
1.3.2	Gaps identified in the Conservation of Biodiversity	3
1.3.3	Gaps identified in the Legally Protected and Internationally Recognized Areas	4
1.3.4	Key Evidence Documents List	5
2.	Critical Habitats Assessment - Scope	7
3.	Critical Habitats Assessment - Methodology	8
3.1	Assessment Criteria	8
3.2	Screening and Assessment Study	9
3.2.1	Ecologically Appropriate Area of Analysis (EAAA)	9
3.2.2	Screening Methods	11
3.2.3	Threatened Species (CR, EN and VU) - International Union for Conservation of Nature (IUCN) Red List	11
3.2.4	Species Listed in the EU Habitats Directive or Birds Directive	12
3.2.5	Screening Restricted Range, Congregatory and Migratory Species	12
3.2.6	Legally Protected Areas and Key Biodiversity Areas to identify Critical Habitat	13
4.	Critical Habitats Assessment - Results	15
4.1	Biodiversity Baseline	15
4.1.1	Invertebrates / Macrozoobenthos	15
4.1.2	Ichthyofauna	15
4.1.3	Ornithological Research	16
4.1.4	Marine Mammals	16
4.1.5	Botany (Terrestrial)	16

4.2	Critical Habitat Assessment under EBRD Criterion 1 (Priority Ecosystems)	16
4.3	Critical Habitat Assessment under EBRD Criterion 2 (Threatened, Restricted-Range, and Migratory or Congregatory Species)	17
4.4	Significant Nature Areas	37
5.	Summary	39

Tables

Table 1:	Species considered for further assessment within the Critical Habitat Screening Assessment.	17
Table 2:	Significant Nature Areas: Polish legally protected areas, Nature 2000 Special Areas of Conservation (SACs) and Natura 2000 Special Protection Areas (SPAs); IBAs and RAMSAR site, within the marine part of the EAAA and within 1km buffer of its coastal zone.	37
Table 3:	CHA vs EBRD PR6 Guidance Note requirements	39

Figures

Figure 1.	The range of the Ecological Appropriate Area of Analysis (EAAA)	10
Figure 2.	Significant Nature Areas next to the Terminal T3 investment analysed in the Critical Habitat Assessment	14

Appendices

Appendix A - Marine Mammal Mitigation Review

Appendix B - Ornithology Mitigation Review

1. Introduction

1.1 Project Description

The European Bank for Reconstruction and Development (EBRD) (the “Lender”) is considering providing finance to the Baltic Hub 3 Project, which foresees an expansion of DCT Gdansk SA (DCT). The planned project involves the expansion of the existing DCT's deep-water sea container terminal with a new installation - another Terminal T3 (T3) within DCT Gdansk SA. The investor of the project is DCT Gdansk SA, which operates the existing Terminals - T1 and T2. The project will be implemented in the area administered by the Port of Gdansk Authority SA - only in the marine area.

The project covers the construction of a new installation - the port infrastructure for loading and unloading, connected to the mainland within the Port of Gdansk. In the operational phase, the use of T3 will be functionally linked to the already existing DCT's installation including T1 and T2, where each of the terminals will have its separate nature and integrity. The construction of the terminal requires dredging works in the sea area adjacent to T3. Moreover, the implementation of the project may need to perform adaptation works on the existing terminals, functionally related to it.

The project's aim is to increase the capacity and improve the functioning of container handling at the Port of Gdansk. The implementation of T3 will allow the gradual increase of the throughput capacity from the current approx. 2.5 mln TEU by 1.3-1.7 mln TEU in each of the three considered phases, which will result in the target level increase to approx. 7 mln TEU.

1.2 EIA Process and Environmental Decision

According to Polish legislation, i.e. Art. 59 sec. 1 of the Act on Providing Information on the Environment and Environmental Protection, Public Participation in Environmental Protection and on Environmental Impact Assessment of 3 October 2008 (Polish Journal of Laws 2020, item 283) and the Regulation of the Council of Ministers of 10 September 2019 on projects that could significantly affect the environment (Polish Journal of Laws of 2019, item 1839), the planned investment is classified as a project that may always have a significant impact on the environment. It means that the expansion of the existing DCT's deep-water sea container terminal requires a Decision on Environmental Conditions based on the Environmental Impact Assessment Report.

When classifying the T3 project, an important matter is its location, in the maritime area – within the internal sea waters of the Northern Port in Gdansk, and the construction facilities – in the area administered by the Port of Gdansk Authority SA - located within the city of Gdansk, currently managed by DCT SA. Another classification criterion is the ability to handle ships with a deadweight of more than 1350 tons, as defined in the Polish Maritime Code of 18 September 2001 (Polish Journal of Laws of 2001, item 138). Due to the technical connection of the planned investment with already operating DCT terminal and the ability to service ships with a carrying capacity of more than 1350 tons on new quays, the project is treated as an extension of the existing DCT terminal, not as a separate project in the maritime area.

According to Art. 75 Sec. 7 of the Act on Providing Information on the Environment and Environmental Protection, Public Participation in Environmental Protection and on Environmental Impact Assessment, due to the project implementation in the maritime area, the authority competent to issue a Decision on Environmental Conditions is the Regional Director of Environmental Protection in Gdansk.

Therefore, DCT Gdansk SA commissioned an external company to prepare an EIA Report for the planned investment (DCT Gdansk – EIA report for Expansion of the DCT Gdansk container terminal in the Northern Port in Gdansk, 2018 with attachments), which, in accordance with Polish law, was also an attachment to the

application for obtaining an Environmental Decision. The Regional Director of Environmental Protection in Gdansk has approved the investment in accordance with the Environmental Decision from the 21st of November 2019, no. RDOŚ-Gd-WOO.420.125.2018.AT.11.

Due to the application of DCT Gdansk SA for project funding from the European Bank for Reconstruction and Development (EBRD) the implementation of bank requirements to the EIA Report's documentation is needed. The Critical Habitat Assessment (CHA) is one of the supplements to EIA Report and ED 2019 on biodiversity issues in accordance with EBRD Guidance Note - Performance Requirement 6: Biodiversity Conservation and Sustainable Management of Living Natural Resources (EBRD PR6 Guidance Note). It should cover any additional requirements obligated by PR6 that were identified during the Environmental and Social Assessment – Gap Analysis.

1.3 Main Gap Analysis Findings and Actions

The EIA Report was written in accordance with the Polish legislation, and it includes all the required issues listed in the Art. 66 of the Act on Providing Information on the Environment and Environmental Protection, Public Participation in Environmental Protection and on Environmental Impact Assessment of 3 October 2008. Nevertheless, parts of the project biodiversity assessment needed to be reviewed to ensure alignment with EBRD PR6.

The EIA Report includes a biodiversity impact assessment of the planned investment. The results of the EIA Report indicate that during both the construction and operation phases negative impacts on the biodiversity will occur. However, as it is written in the EIA Report, the implementation of the planned investment in accordance with the proposed mitigation measures at the construction and the exploitation stages of T3 makes potential direct and indirect impacts on species and their habitats reduced to an acceptable level. The conditions prescribed in ED 2019 confirms that the recommendations written in the EIA Report are appropriate due to the protection of biodiversity and only supplement them slightly.

The baseline biodiversity studies analysed in the EIA Report do not fully align with EBRD PR6 Guidance Note requirements. Areas to be assessed include:

- 1) lack of baseline data on marine mammals' abundance, frequency, location, and timing of presence within Gdansk Bay (and its part – Puck Bay);
- 2) underestimating the importance of the habitats to endangered species in Gdansk Bay (and its part – Puck Bay);
- 3) lack of detailed information on the scope of construction works of T3 (including piling and dredging) and the impact of these works on protected species of birds and marine mammals.

Furthermore, there is no evidence that any NGOs, such as WWF Poland, or scientific units, such as Hel Marine Station of the University of Gdansk, which is an ASCOBANS¹ partner, participated in the EIA consultation process. This could be the reason why misalignment with PR6 requirements was identified.

1.3.1 Gaps identified in the Biodiversity and Living Natural Resources Assessment

Listed below are those animal species that received special attention in the EIA process, and which meet the criteria of the EBRD PR6 Guidance Note for Priority Biodiversity Features and / or Critical Habitat:

Grey seal *Halichoerus grypus* – the Red List of Threatened Species of International Union for Conservation of Nature (IUCN) classifies grey seal (Baltic Sea subpopulation) as Least Concern – LC category (IUCN 2007, IUCN Red List *Halichoerus grypus*). The Polish Red Data Book of Animals (Głowaciński 2001) classifies grey seal as a species of very high risk – EN category. In the countries of the Baltic Sea basin, grey seal belongs to the category of very high risk (EN) or even at risk of extinction. That is why the species is protected under Polish national legislation (Regulation of the Minister of Environment of 16 December 2016 on

species protection of animals, Polish Journal of Laws 2016, item 2183, Species Protection of Animals Regulation). As a species listed in Annex II of the Habitats Directive it is protected under the Natura 2000 site called Zatoka Pucka i Polwysep Helski PLH220032 (PLH220032 Standard Data Form). The area is a part of another Nature 2000 site called Zatoka Pucka PLB220005 (PLB220005 Standard Data Form).

Harbour porpoise *Phocoena phocoena* – in the IUCN Red List of Threatened Species it is classified as vulnerable in Europe – VU category. In addition, the subpopulation living in the Baltic Sea was included in the CR (critically endangered) category (IUCN Red List of Threatened Species 2007, IUCN Red List Harbor Porpoise). In the Polish Red Book of Animals, it is classified as critically endangered – CR (Głowaciński 2001). It is strictly protected under national law as species requiring active protection (Regulation of the Minister of Environment of 16 December 2016 on species protection of animals, Polish Journal of Laws 2016, item 2183). As a species listed in Annex II of the Habitats Directive it is protected under the Natura 2000 site Zatoka Pucka I Polwysep Helski PLH220032 (the area is a part of another Nature 2000 site called Zatoka Pucka PLB220005).

Common ringed plover *Charadrius hiaticula* – the IUCN Red List of Threatened Species classify this species as least concern in Europe – LC (IUCN 2019, IUCN Red List Charadrius hiaticula), however, in the Red List of Birds in Poland (Wilk et al. 2020) common ringed plover was classified as endangered species (EN). In Poland, this species is under strict species protection and requires active protection (Regulation of the Minister of Environment of 16 December 2016 on species protection of animals, Polish Journal of Laws 2016, item 2183).

Little tern *Sternula albifrons* – the IUCN Red List of Threatened Species classify the little tern as a least concern (LC) species continuously since 1988 (IUCN 2020, IUCN Red List Sternula albifrons). In the Red List of Birds in Poland (Wilk et al. 2020), the little tern was classified as a vulnerable species (VU). In Poland, the species is under strict species protection and requires active protection (Regulation of the Minister of Environment of 16 December 2016 on species protection of animals, Polish Journal of Laws 2016, item 2183).

While the above bird species were treated as a priority in the EIA Report due to the already implemented compensation and minimizing measures for Terminal T2, the marine mammal species mentioned above were analyzed superficially. Knowing that Baltic marine mammal populations are of very high risk (EN) or even at risk of extinction in the case of grey seal and critically endangered (CR) for harbour porpoise, they should be considered with great care. It cannot be forgotten, that for marine mammals the waters of the Gdansk Bay, including the Puck Bay, are important for the existence of their Baltic populations, even if those species appear in the vicinity of the planned investment rarely or irregularly. Lack of baseline data on marine mammals' abundance, frequency, location, and timing of presence within Gdansk Bay requires a precautionary approach to assessment of risk. Indirect effects on breeding birds and marine mammals, including visual and acoustic disturbance during construction and operation and the efficacy of proposed mitigation measures, are reviewed in light of updated information.

1.3.2 Gaps identified in the Conservation of Biodiversity

The EIA Report lacks an in-depth noise impact analysis on animals and an indication of its levels at the stage of construction and operation of Terminal T3 (especially including piling and dredging). Thus, the additional conditions for the implementation of the project in relation to the noise impact minimization were added by the Regional Director of Environmental Protection in Gdansk in ED 2019, i.e.:

- Do not carry out dredging works in the period from the beginning of April until the end of June.
- During the April-July period, the mooring of vessels at the breakwaters should be limited as much as possible to avoid losses in the nesting of birds.
- Limit to the necessary minimum the use of the sea waters area of 250m wide from the shore adjacent to the beach and its hinterland site, where mitigation measures related to the construction of Terminal T2 are carried out, according to ED 2014.

- Construction works and other, carrying out of which may be of importance for the durability and effectiveness of minimization activities carried out due to ED 2014, should be done under ornithologist supervision.
- To limit the impact on fish and marine mammals, use the soft-start procedure (scaring fish and mammals off the investment site).
- Successively remove reeds and willows on the bank on the eastern side of the T1 Terminal.

Moreover, ED 2019 obligate DCT to prepare post-construction impact analysis including proposals for possible new activities or adjustments of activities carried out so far according to the ED 2014, if the analysis shows that the effectiveness of mitigation measures has decreased because of construction and operation of T3.

Dredging, general construction works and piling activities are likely to lead not only to acoustic, but also to visual disturbance of breeding, migrating, and wintering birds around future Terminal T3. As no disturbance impacts are considered in the EIA Report, neither from impulsive piling noise (or dredging or construction noise), nor visual impact, which can influence birds at shorter distances, it is recommended that a review of potential disturbance (visual and acoustic) is undertaken for the construction and operational phases, and additional mitigation proposed where required. ED 2019 requirements, avoiding certain works during the breeding season (April-August), must be integrated in relevant management plans. It is important to note that the area of T3 investment is in birds' Natura 2000 site Zatoka Pucka PLB220005. The assessment should include impacts on migrating and wintering bird features of this Natura 2000 site. Attention should be paid to the fact that disturbance impacts increase during the breeding season and during periods of cold weather when birds aim to conserve energy. Ongoing disturbance may decrease bird condition (health) preventing foraging, migration, breeding success, etc. and may prevent achievement of favorable conservation status.

Time of piling and dredging, as well as the methods used during the construction works, are also important in the case of marine mammals. ED 2019 does not consider the fact that Puck Bay is an area used by harbour porpoise between February and April (ASCOBANS 2016, [ASCOBANS Recovery Plan for Baltic Harbor Porpoises - Jastarnia Plan](#)). It is also a habitat of grey seal – the key identified area of regular existence of this species in the Polish coastal zone are sandbanks at the mouth of the Vistula River protected as “Mewia Łacha” Nature Reserve and Natura 2000 site Ostoja w Ujściu Wisły PLH220044. It is worth noting that Zatoka Pucka, as being an area of the existence of endangered and critically endangered populations of marine Baltic mammals’ is a Critical Habitat according to the EBRD PR6 Guidance note. Thus, preparing the Critical Habitat Assessment (CHA) is crucial to inform mitigation requirements in advance of construction works within Terminal T3.

1.3.3 Gaps identified in the Legally Protected and Internationally Recognized Areas

Review of the planned investment’s potential effects and efficacy of proposed mitigation on protected areas has indicated additional mitigation measures are required to attain compliance with EBRD Performance Requirement 6. The importance of Gdansk Bay for marine mammal features of the Natura 2000 sites: Zatoka Pucka i Polwysep Helski PLH220032 and Ostoja w Ujściu Wisły PLH220044 requires detailed consideration and more recent data. Baltic marine mammal populations are of very high risk (EN) or even at risk of extinction in case of grey seal and critically endangered (CR) for harbour porpoise and therefore should be handled with great care. The waters of the Gdansk Bay, including the Puck Bay, are important for the existence of the Baltic populations of marine mammals, even if the mentioned species appear in the vicinity of the planned investment rarely or irregularly.

Required Actions:

- 1) **Critical Habitat Assessment (CHA)** should be prepared in accordance with EBRD PR6 Guidance Note. This is required due to priority habitats and species being present within the Baltic Sea. Desk study information and consultation with relevant organisations to inform the CHA and species-specific mitigation reviews (Birds and Marine Mammals).

- 2) **Baseline Marine Mammal Data (Harbour Porpoise and Grey Seal) should be obtained** from scientific units, such as Hel Marine Station, to establish abundance, frequency, location, and timing of marine mammals' presence within Gdansk Bay, including Natura 2000 sites: Zatoka Pucka i Polwysep Helski PLH220032 and Zatoka Pucka PLB220005.
- 3) **Marine Mammal (Acoustic Disturbance – Construction and Operation) Mitigation Review (Appendix A)** adopting a precautionary approach in response to data limitations, limitations in construction methods and programme, and based on a reasonable worst-case (large diameter piles installed via percussive piling, including simultaneous piling as anticipated), focusing on piling and capital dredging works. The review should outline mitigation requirements to reduce potential significant effects (mortality, injury or disturbance) on marine mammals to acceptable levels. It is recommended to define appropriate mitigation measures in compliance with JNCC Piling Mitigation Protocol, including pre-works search using Marine Mammal Observers (MMO), Passive Acoustic Monitoring (PAM), 'soft-start' piling / dredging, etc., pre-construction / pre-dredging noise impact monitoring, noise-abatement techniques, 'bubble-curtains', etc. Recommended mitigation shall be integrated into relevant Contractor management plans.
- 4) **Bird Disturbance (Visual and Acoustic – Construction and Operation) Mitigation Review (Appendix B)** based on worst-case construction impacts (large diameter piles installed via percussive piling, including simultaneous and prolonged piling as anticipated), general construction activities and capital dredging works.

1.3.4 Key Evidence Documents List

EIA documentation & DCTs Bird Monitoring on Compensation Site of Terminal T2:

- DCT Gdansk – EIA report for Expansion of the DCT Gdansk container terminal in the Northern Port in Gdansk, 2018 with attachments
- Environmental Decision for Expansion of the DCT Gdansk container terminal in the Northern Port in Gdansk, RDOŚ-Gd-WOO.420.125.2018.AT.11, Gdansk 2019
- DCT Gdansk – Report on ornithological supervision over environmental compensation related to the expansion of DCT Gdańsk (decision RDOŚ-GD-WOO.4211.29.2013.AT.9) in 2020.
- DCT Gdansk – Ornithological monitoring report of 2021 concerning compensation measures specified in the decision on environmental conditions for the project "Construction of the Container Terminal T2" no. RDOŚ-Gd-W00.4211.29.2013.AT.9 of 28th March 2014, SUBNEA 2022.

Marine mammal data from available publications, Standard Data Formulas of Natura 2000 sites etc.:

- LIFE+ SAMBAH Project,
- SAMBAH After LIFE Conservation Plan,
- ASCOBANS Recovery Plan for Baltic Harbor Porpoises - Jastarnia Plan,
- PLB220005 Protection Plan draft,
- Management Program for the Zatoka Pucka region areas: PLH220032 and PLB220005,
- Management Program for the Vistula River Mouth region areas: PLH220044 and PLB220004,

- Chief Inspectorate of Environmental Protection, Nature Monitoring Bulletin. Monitoring of Marine Species and Habitats in the years 2016-2018,
- Grey Seal Protection Program – draft,
- Harbor Porpoise Protection Program,
- PLB220004 Standard Data Form,
- PLH220032 Standard Data Form,
- PLB220005 Standard Data Form,PLH220044 Standard Data Form,
- Progress Report on The Jastarnia Plan: The Recovery Plan for The Harbour Porpoise in the Baltic Proper,
- Hel Marine Station, University of Gdansk, Marine Mammal Monitoring Data [pers. comms.; unpublished, 2019-2022].

Literature about underwater noise impact mitigation methods for birds, fish, and marine mammals e.g.:

- Cutts, Hemingway & Spencer 2013, Waterbird Disturbance Mitigation Toolkit,
- JNCC 2020, Guidance for assessing the significance of noise disturbance against Conservation Objectives of harbour porpoise SACs,
- Götz, T., Hastie, G., Hatch, L.T., Raustein, O., Southall, B.L., Tasker, M., Thomsen, F. 2009. Overview of the impacts of anthropogenic underwater sound in the marine environment. OSPAR Biodiversity Series (OSPAR Commission 2009),
- JNCC 2010 Statutory nature conservation agency protocol for minimising the risk of injury to marine mammals from piling noise,
- JNCC 2020, Evidence base for application of Acoustic Deterrent Devices (ADDs).

2. Critical Habitats Assessment - Scope

EBRD financed projects are expected to be designed and operated in compliance with good international practices relating to sustainable development. EBRD Performance Requirement 6: *Biodiversity Conservation and Sustainable Management of Living Natural Resources*¹ (PR6), sets out EBRD's expectations for managing project impacts on biodiversity, ecosystem services and living natural resources. In addition, EBRD Guidance Note 6 (GN6 - *Biodiversity Conservation and Sustainable Management of Living Natural Resources*)² provides clarification and additional guidance for the application of PR6.

This CHA considers EBRD PR6 applicable standards and the CHA is based on relevant criteria and thresholds provided in EBRD GN6.

To inform the assessment of potential impacts to biodiversity, a CHA is required to determine if any features in the study area qualify as Critical Habitat of Priority Biodiversity Features (PBFs) as defined by EBRD, as features that require specific attention in impact assessment and mitigation planning.

The CHA is conducted without consideration of specific impacts of the project at this stage. Following determination of Critical Habitat separate appendices have been produced to provide specific details on project impacts and proposed mitigation for any feature(s) triggering Critical Habitat or those that are assigned as a Priority Biodiversity Features; see Appendix A: Marine Mammal Mitigation Review, and Appendix B: Ornithology Mitigation Review.

¹ EBRD Environmental and Social Policy (2019)

² Guidance Note 6: Biodiversity Conservation and Sustainable Management of Living Natural Resources (v. January 1, 2020 – updated Sept 10, 2020)

3. Critical Habitats Assessment - Methodology

3.1 Assessment Criteria

The table below details the triggers for both Critical Habitat and PBFs according to EBRD PR6.

Quantitative thresholds used by the EBRD PR6 to assign critical habitat are derived from IUCN Key Biodiversity Area Standard and aligned with EBRD GN6.

Criterion	Priority Biodiversity Feature	Critical Habitat
1. Priority ecosystems		
<p>Threatened ecosystems</p> <p>a) Habitats listed in Annex 1 of EU Habitats Directive (EU members only) or Resolution 4 of Bern Convention (signatory nations only)</p> <p>b) IUCN Red-List EN or CR ecosystems</p>	<p>a) Ecologically Appropriate Area of Analysis (EAAA) is habitat type listed in Annex 1 of EU Habitats Directive or Resolution 4 of Bern Convention</p> <p>b) EAAA** < 5% of the global extent of an <i>ecosystem</i> type with IUCN status of CR or EN</p>	<p>a) EAAA is habitat type listed in Annex 1 of EU Habitats Directive marked as “priority habitat type”</p> <p>b) EAAA ≥5% of global extent of an ecosystem type with IUCN status of CR or EN</p> <p>c) EAAA is ecosystem determined to be of high priority for conservation by national systematic conservation planning</p>
2. Priority Species and their Habitats		
<p>Threatened species (T)</p> <p>a) Species and their habitats listed in EU Habitats Directive and Birds Directive (EU members only) or Bern Convention (signatory nations only)</p> <p>b) IUCN Red List EN or CR species</p> <p>c) IUCN Red List VU species</p> <p>d) Nationally or regionally (e.g., Europe) listed EN or CR species</p>	<p>a) EAAA for species and their habitats listed in Annex II of Habitats Directive, Annex I of Birds Directive, or Resolution 6 of Bern Convention</p> <p>b) EAAA supports < 0.5% of global population OR < 5 reproductive units of a CR or EN species.</p> <p>c) EAAA supports VU species</p> <p>d) EAAA for regularly occurring nationally or regionally listed EN or CR species</p>	<p>a) EAAA for species and their habitats listed in Annex IV of the Habitats Directive (See EU restrictions)</p> <p>b) EAAA supports ≥ 0.5% of the global population AND ≥ 5 reproductive units of a CR or EN species</p> <p>c) EAAA supports globally significant population of VU species necessary to prevent a change of IUCN Red List status to EN or CR, and satisfies threshold (b)</p> <p>d) EAAA for important concentrations of a nationally or regionally listed EN or CR species</p>
<p>Range-restricted species (RR)</p>	<p>EAAA for regularly occurring range-restricted species</p>	<p>EAAA regularly holds ≥ 10% of global population AND ≥ 10 reproductive units of the species***</p>

Criterion	Priority Biodiversity Feature	Critical Habitat
<i>Migratory and Congregatory species (M/C)</i>	EAAA identified per Birds Directive or recognized national or international process as important for migratory birds (esp. wetlands)	<ul style="list-style-type: none"> a) EAAA sustains, on a cyclical or otherwise regular basis, ≥ 1 percent of the global population at any point of the species' lifecycle b) EAAA predictably supports ≥ 10 percent of global population during periods of environmental stress

3.2 Screening and Assessment Study

3.2.1 Ecologically Appropriate Area of Analysis (EAAA)

EBRD PR6 requires the definition of an Ecological Appropriate Area of Analysis (EAAA) within which the CHA is undertaken. The EAAA should not be limited to the projects area of influence but should be defined based on appropriate ecological units / habitats and physical features. The EAAA utilised for this CHA includes an aggregated marine and terrestrial part of Gdansk Bay.

Figure 1 shows the extent of the aggregated marine and terrestrial area used for this CHA.

The marine part of the EAAA has been calculated based on a 25km radius of the proposed area of impact and covers all marine environments within this range. The 25km buffer has been applied due to the potential noise impacts from construction phase of the T3 project. The terrestrial parts of the EAAA have been aligned with project area of T3 construction and the adjacent areas / habitats where a defined landscape change has been observed. As an example, the EAAA follows the beach habitats until there is a distinct change in habitat type / land use. Additionally, the terrestrial part of the EAAA includes the compensation site for Terminal T2, where DCT is obliged by the Regional Director of Environmental Protection in Gdansk to take protective measures for birds and all-year-round bird monitoring according to the ED 2014.

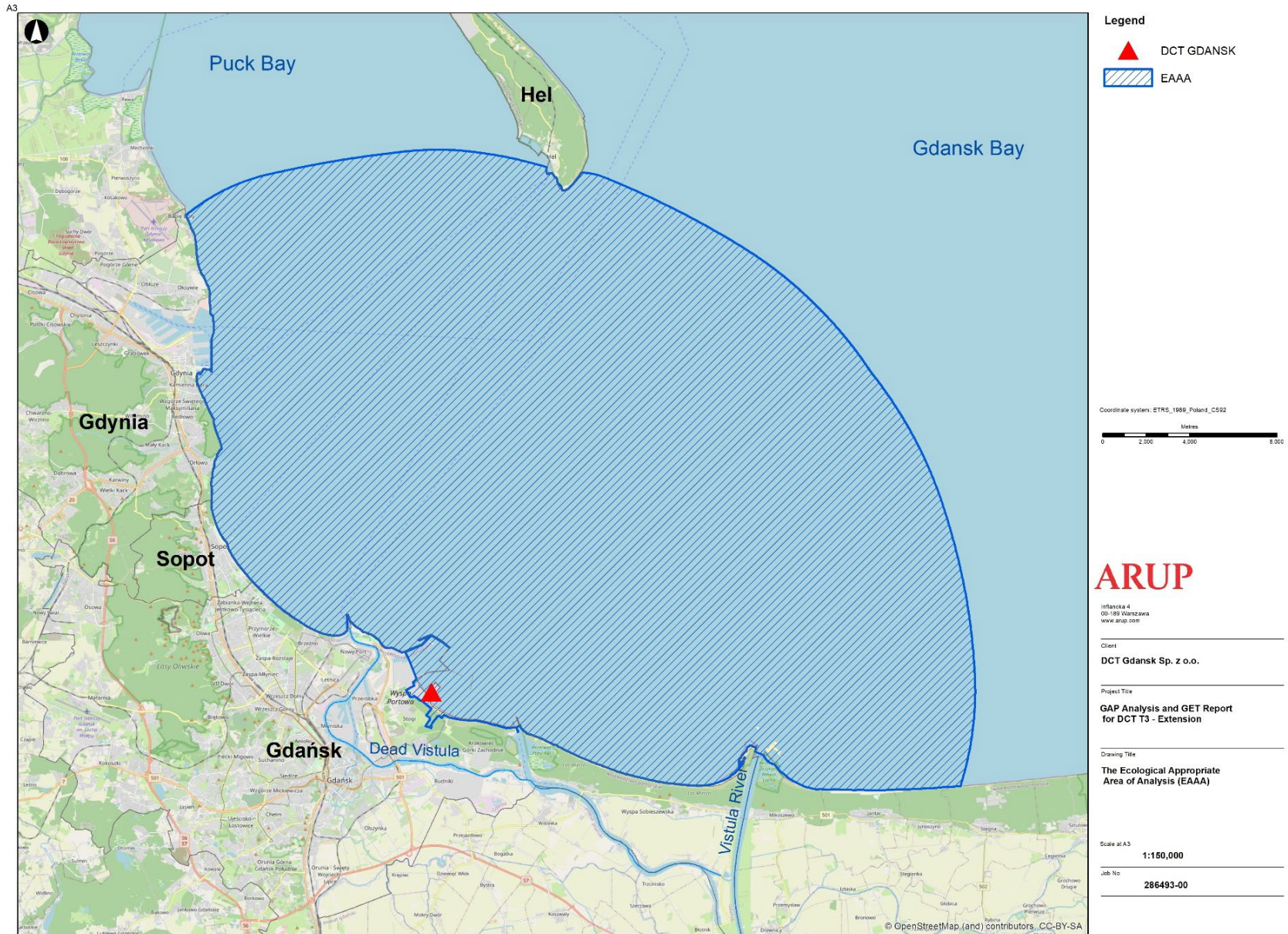


Figure 1. The range of the Ecological Appropriate Area of Analysis (EAAA)

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Critical Habitat Assessment (CHA)

3.2.2 Screening Methods

To identify potential Critical Habitat triggers within the EAAA, the screening study comprised a number of desk-based studies using a range of data sources as defined in the following method sections.

3.2.3 Threatened Species (CR, EN and VU) - International Union for Conservation of Nature (IUCN) Red List

A desk study search was conducted primarily using the International Union for Conservation of Nature (IUCN) Red List of Threatened Species³ for Critically Endangered (CR), Endangered (EN) and Vulnerable (VU) species within the EAAA according to their IUCN global range. All species of conservation concern (i.e. CR, EN, VU, NT, LC) whose global range (as defined by IUCN) fell within the EAAA were then assessed to identify whether they met the definition of restricted range or were a congregatory or migratory species.

EBRD PR6 notes: “The determination of critical habitat based on other listings is as follows:

- i. If the species is listed nationally / regionally as CR or EN, in countries that have adhered to IUCN guidance, the critical habitat determination will be made on a project-by-project basis in consultation with competent professionals; and
- ii. In instances where nationally or regionally listed species’ categorisations do not correspond exactly to those of the IUCN (e.g. some countries more generally list species as “protected” or “restricted”), an assessment will be conducted to determine the rationale and purpose of the listing. In this case, the critical habitat determination will be based on such assessment.”

³ The IUCN Red List of Threatened Species (Viewed on May 2022)

It is understood that the Polish Red List of Threatened Species (2001)⁴, the Red List of Birds in Poland (2020)⁵, the Red List of Fishes and Lampreys, (2009)⁶, the Polish Red Data Book of Plants⁷ and other Polish Red Lists^{8,9,10} are based on the IUCN guidance and criteria^{9,10}; as such, categories referenced in Polish Red Lists, have been integrated into the assessment. Species included in the screening process that are CR or EN according to the Polish Red Lists were considered in the screening or are included.

Species identified with the potential to trigger critical habitat during the screening study were progressed to detailed assessment to determine if these species meet the thresholds to trigger classification as Critical Habitat a PBF as defined by EBRD PR6.

3.2.4 Species Listed in the EU Habitats Directive or Birds Directive

A desk study search was conducted to review the species listed under the EU Nature Directives (92/43/EEC Habitats Directive (Annex II and IV), 2009/147/EC Birds Directive (Annex I) and Bern Convention (Resolution 4 and 6) for the Zatoka Pucka Special Protection Area (SPA), Ujście Wisły SPA, Zatoka Pucka i Polwysep Helski Special Area of Conservation (SAC), Ostoja w Ujściu Wisły SAC. All species listed within the designation for the Zatoka Pucka SPA, Ujście Wisły SPA, Zatoka Pucka i Polwysep Helski SAC, Ostoja w Ujściu Wisły SAC and Vistula River Mouth Ramsar Site have been considered within the CHA.

3.2.5 Screening Restricted Range, Congregatory and Migratory Species

A desk study search was conducted primarily using the IUCN Red List for CR, EN and VU species within the EAAA according to their IUCN global range. All species of conservation concern (i.e. CR, EN, VU, NT, LC) whose global range (as defined by IUCN) fell within the EAAA were then assessed

⁴ Głowacinski, Z., Juchiewicz, M., Połczyńska-Konior, G. 2001. Red list of threatened animals in Poland. Institute of Nature Conservation of the Polish Academy of Sciences, Krakow, 2002 (Wikipedia entry to the Polish Red List to Threatened Species)

⁵ [The Red List of Birds in Poland \(Wilk et al. 2020\)](#)

⁶ Witkowski et al. 2009. The degree of threat to the freshwater ichthyofauna of Poland: Red list of fishes and lampreys – situation in 2009. *Chrońmy Przyr. Ojcz.*: 65 (I): 33–52.

⁷ Kaźmierczakowa R., Zarzycki K., Mirek Z. 2014. Polska Czerwona Księga Roślin. Paprotniki i rośliny kwiatowe. Polish Red Data Book of Plants. Pteridophytes and flowering plants. Wyd. III. uaktualnione i rozszerzone. Instytut Ochrony Przyrody PAN, Kraków (Wikipedia entry to the Polish Red Data Book of Plants)

⁸ Zarzycki K. Mirek Z.: *Red list of plants and fungi in Poland. Czerwona lista roślin i grzybów Polski*. Wojewoda W., Szeląg Z.. Kraków: Instytut Botaniki im. W. Szafera PAN, 2006; [Polish Red Data Book of Animals. Invertebrates](#) (Wikipedia entry to the Polish Red Data Book of Animals. Invertebrate)

⁹ <https://portals.iucn.org/library/sites/library/files/documents/RL-2001-001-2nd.pdf#:~:text=The%20first%20edition%20of%20the%20IUCN%20Red%20List,is%20also%20used%20alongside%20the%20Guidelines%20for%20Application>

¹⁰ <https://portals.iucn.org/library/sites/library/files/documents/RL-2012-002.pdf>

to identify whether they met the definition of restricted range or were a congregatory or migratory species. Species that are known to require habitats not present within the EAAA were screened out from further assessment.

3.2.6 Legally Protected Areas and Key Biodiversity Areas to identify Critical Habitat

The following Significant Nature Areas, including Legally Protected Areas (or areas of biodiversity conservation importance), were searched for as part of the CHA:

- PLH Natura 2000 Special Areas of Conservation (SAC);
- PLB Natura 2000 Special Protection Areas (SPA);
- Sites of Community Importance (SCI);
- Ramsar sites (Wetland of International Importance);
- Key Biodiversity Areas (KBA); including Important Bird Areas (IBA), Important Plant Areas (IPA) and Alliance for Zero Extinction Sites (AZES);
- Biodiversity Hotspots;
- Endemic Bird Areas;
- World Heritage Areas;
- National Parks;
- Nature Reserves;
- Landscape Parks;
- Marine Protected Areas.

Figure 2 shows the most important areas situated next to and near the T3 planned investment, which are under protection of the national law – Nature Reserves, European law – SPAs (PLB Natura 2000) and SACs (PLH Natura 2000) and areas protected by international law – IBAs, Ramsar sites.

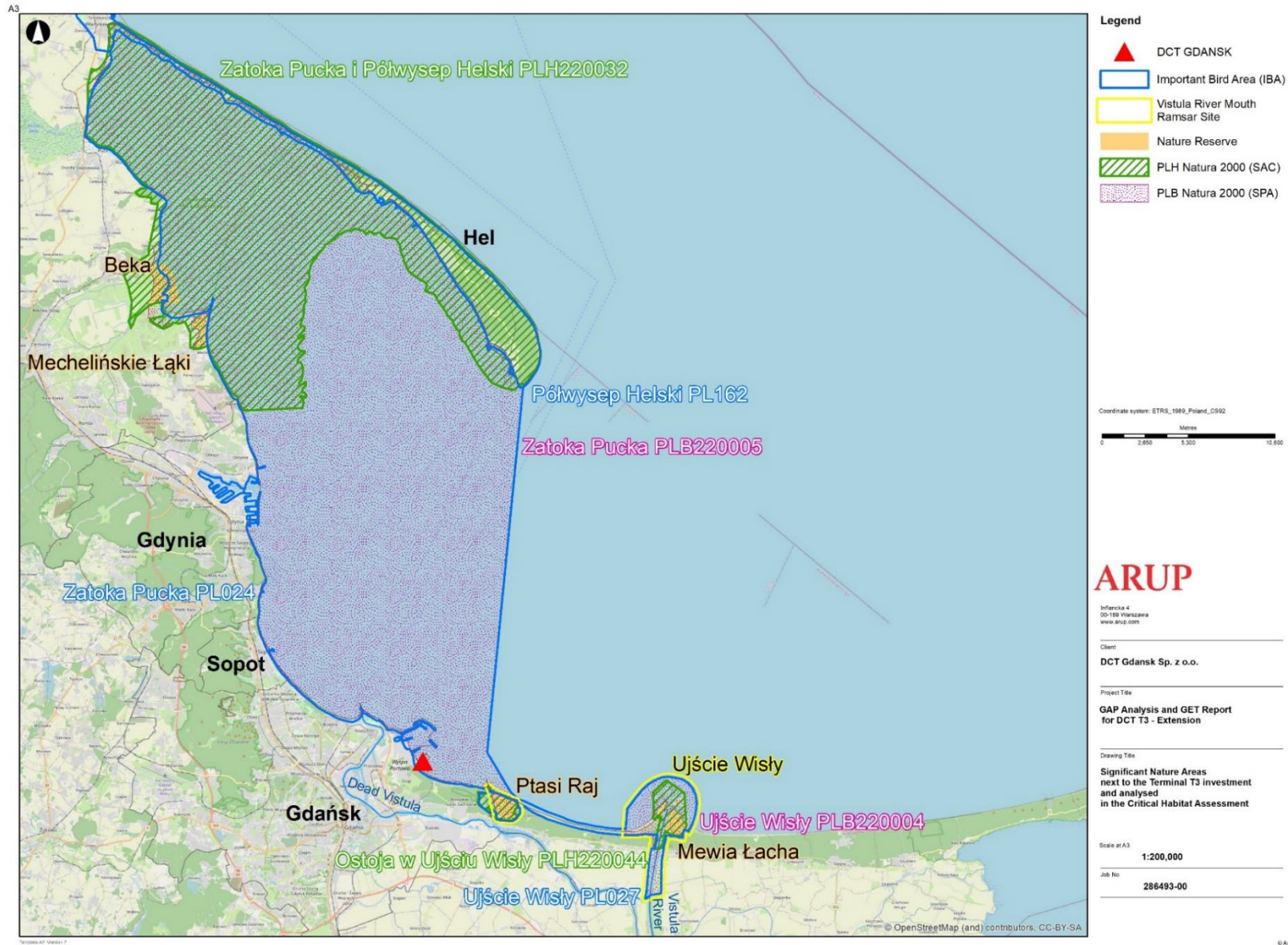


Figure 2. Significant Nature Areas next to the Terminal T3 investment analysed in the Critical Habitat Assessment

11 July 2022

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Gdansk Port | DCT Terminal 3 (T3) | Poland

Critical Habitat Assessment (CHA)

Page 14

4. Critical Habitats Assessment - Results

4.1 Biodiversity Baseline

Field surveys have not been conducted directly to inform the EIA biodiversity baseline for the project, nor this CHA. The existing EIA report uses background data including the following reports (listed as Report 1 to 5 for further reference):

- 1) Report 1 - Invertebrate / macrozoobenthos research methods – inventory results for the EIA Report related to the construction of Terminal T2 at DCT, Transprojekt Gdański Sp. z o.o. for Maritime Office in Gdynia, 2015 (Transprojekt 2015); EIA Report related to the construction of protective breakwaters at Northern Port of Gdańsk, ECG Orbital, 2015 (Orbital 2015);
- 2) Report 2 - Ichthyofauna research methods – inventory results for the EIA Report related to the construction of Terminal T2 at DCT (Transprojekt 2015);
- 3) Report 3 - Avifauna research methods – inventory results included in the EIA Report of the ornithological monitoring in the area of Northern Port of Gdańsk for the period of November 2015 – October 2016, ECG Orbital for Maritime Office in Gdynia, 2016 (Orbital 2016); results of ornithological monitoring of the effectiveness of mitigating measures related to the construction of Terminal T2 in accordance with the decision of Regional Director of Environmental Protection in Gdańsk from 28th March 2014, no. Gd-WOO.4211.29.2013.AT.9;
- 4) Report 4 - Marine mammals research methods – results of international SAMBAH Life + Project – Static Acoustic Monitoring of the Baltic Sea Harbour Porpoise in 2 years period – May 2011 – April 2013 (SAMBAH Project, SAMBAH After LIFE Conservation Plan);
- 5) Report 5 - Land plant cover research methods – inventory results for the EIA Report related to the construction of Terminal T2 at DCT (Transprojekt 2015); inventory results of the habitats and plant communities carried out in May 2018 by the discussed EIA Report's authors.

4.1.1 Invertebrates / Macrozoobenthos

With regard to Report 1 (see Section 4.1 above), when considering marine invertebrates and macrozoobenthos, the only species recorded that is listed on the HELCOM Red List of Baltic Sea Species was *Monoporeia affinis*. This species is listed at Least Concern and therefore the presence of two individuals of this species in spring sampling is not considered to be a potential trigger for critical habitat or priority biodiversity feature.

4.1.2 Ichthyofauna

With regard to Report 2, data from fish surveys undertaken in 2014 was considered. Full details on survey timings and methods used are provided in the EIA report. The location of the transects for the surveys were between approximately 1km to 3km from the area of the port expansion. All species captured have been included in the critical habitat screening. Twaite shad (*Alosa fallax*) were recorded during the surveys and are included on Annex II of the Habitats Directive and have therefore been included in the critical habitat assessment table.

4.1.3 Ornithological Research

With regard to Report 3, ornithological research surveys carried out in the area of the northern port and adjacent area undertaken between November 2015 and October 2016 was considered. The surveys considered all birds on land and water but did not consider birds flying over the site area. Bird surveys of the beach areas adjacent to the port expansion area were considered. This monitoring was conducted as part of ornithological mitigation reporting on the effectiveness of mitigation measure relating to the construction of Terminal T2 (the existing port).

4.1.4 Marine Mammals

With regard to Report 4, results of international SAMBAH Life + Project were used when considering marine mammals. Static acoustic monitoring of the Baltic Sea Harbour Porpoise was carried out over a 2-year period. C-PODs were deployed at a total of 304 locations between May 2011 and May 2013, at depths between 5m to 80m, providing data on the locations and time of harbour porpoise occurrence; only two detectors were deployed within Gdansk Bay. The overall objectives of the SAMBAH Life + Project were to provide data for a reliable assessment of the abundance, distribution, and habitat preferences of harbour porpoise, launch a best practice methodology and allow designation of SCIs for the species within the Natura 2000 network as well as other relevant mitigation measures. The project aimed to estimate harbour porpoise densities and abundance, identify possible hotspots and habitat preferences and areas with higher risk of conflicts with anthropogenic activities for the Baltic Sea harbour porpoise. The EIA Report concluded the noise impact, assessed as local and short-term, limited to the construction works site (changing the sea area into the land area of terminal T3, dredging works area) and its duration, insignificant because of high timidity of the marine mammals and in the case of the porpoise – low probability of showing in the construction site. The EIA Report point out that due to the distance of the construction works from the places used by seals - the main area of their concentration is in the mouth of the Vistula River, legally protected as the Mewia Łacha Nature Reserve, as well as the relatively small range of those works, the probability of negative impact on marine mammals is minimal.

4.1.5 Botany (Terrestrial)

With regard to Report 5, botanical data collected as part of the biodiversity assessment for Terminal T2 (the existing port) was considered. These surveys were conducted in 2012 and 2013. In addition, surveys of the habitats and plants was also conducted in May 2018 and is also considered.

4.2 Critical Habitat Assessment under EBRD Criterion 1 (Priority Ecosystems)

Habitat mapping has not been completed as part of the EIA in detail and therefore habitat classifications designated for the Zatoka Pucka SPA have not been reviewed.

Large shallow inlets and bays (Annex I habitat type (code 1160) is considered likely to dominate the Marine EAAA. Whilst not listed as a priority habitat type under the Habitats Directive (and therefore not triggering Critical Habitat), the presence of this habitat type indicates that a large proportion of the shallow areas within the EAAA are a PBF under Criterion 1(a).

Detailed vegetation surveys of the terrestrial habitats within the terrestrial EAAA have not been conducted however it is evident that dune habitats are present based on information and photographs included in the ornithology reports. There are a number of dune habitats listed at Annex I within the Zatoka Pucka SPA. Therefore, on a precautionary basis it is considered that all dune habitats within the terrestrial EAAA are a PBF under Criteria 1(a).

4.3 Critical Habitat Assessment under EBRD Criterion 2 (Threatened, Restricted-Range, and Migratory or Congregatory Species)

Species considered for further assessment under EBRD Criterion 2: Threatened Species (T), Range-Restricted (RR) and Migratory or Congregatory (M/C) and the results of this assessment are presented in Table 1. Threatened species includes Critically Endangered [CE], Endangered [EN] and Vulnerable [VU] species as listed on the IUCN Red List. These species may trigger Priority Biodiversity Feature (PBF) or Critical Habitat as a result of the completed assessment.

Table 1: Species considered for further assessment within the Critical Habitat Screening Assessment.

Species	Status			Criterion Undertaken			Assessment	PBF in EAAA (Y/N)	CH in EAAA (Y/N)
	IUCN Global Status	National Status	European Status	T	RR	M/C			
Plants / Fungi / Moss									
Varnished Hook-moss (<i>Hamatocaulis vernicosus</i>)	VU	-	N/A	✓			<p>This species is listed as Vulnerable on the IUCN Red List and is therefore assessed as a potential PBF or CH under Criterion 2 (c).</p> <p>This species is present in Poland and across Europe, the population remains frequent in north Scandinavia but is much less frequent in central Europe. This species is listed on the designation for the Zatoka Pucka i Polwysep Helski SAC which overlaps with the EAAA.</p>	No	No

							<p>This wetland moss grows in mineral rich, mesotrophic mires, fens and flushes, often close to springs. Many sites are located on level ground where base-rich water merges with acid peat. Other sites are in springheads where mineral-enriched water wells up in wet heath, and on lake margins.</p> <p>It is considered highly unlikely that this species utilises the EAAA as there is a lack of suitable habitats and therefore it is not considered a priority biodiversity feature or critical habitat.</p>		
<p><i>Linaria loeselii</i> (in PL known as <i>Linaria odora</i>)</p>	NT	VU (Polish Red Data Book of Plants, 2014)	Annex II (HD) Appendix I and R6 (BC)	✓			<p>This species is listed as Nearly Threatened on the IUCN Red List. This species is listed on the designation for the Zatoka Pucka i Polwysep Helski SAC and Ostoja w Ujściu Wisły SAC which overlap with the EAAA. The species is listed on Annex II of the Habitats Directive and under Appendix I of the Bern Convention and is therefore assessed under Criterion 2 (a) as a potential PBF.</p> <p>This species is native to Germany, Poland, Latvia, Lithuania and Russia. It is only found on the south-eastern coast of the Baltic Sea. The AOO is likely to be less than 2,000 km². In Poland, 30,000 individuals have been recorded and it is abundant with several thousand individuals in the dunes of Mierzeja Wiślana and Pobreże Słowińskie. There is a marginal locality in the west on the sandbar of Lake Jamno near Unieść.</p> <p>This species is listed as Vulnerable in the Polish Red Data Book, and in the Atlas of Polish Endemics; it is also strictly protected at a national level. <i>Linaria loeselii</i> is especially abundant in the Słowiński National Park and in the areas protected as Nature Reserves within Helskie Wydmy and Mikoszewo region (Mewia Lacha Nature Reserve), where the negative impact of human pressure is limited and the preservation of the species is ensured.</p> <p>The data collected as part of the ecological assessment does not mention this species specifically but for sure it is present in EAAA</p>	Yes	No

							in the Ostoja w Ujściu Wisły SAC, exactly within the Mewia Lacha Nature Reserve ¹¹ , where the state of the species population protection is favourable ¹² . Therefore, it is assigned as a PBF under Criterion 2 <i>Threatened species</i> (a).		
Fen Orchid <i>Liparis loeselii</i>	NT	VU (Polish Red Data Book of Plants, 2014)	Annex II and IV (HD) Appendix I and R6 (BC)	✓			<p>This species is listed as Near Threatened (NT) on the IUCN Global Red List. It is widespread in Europe and neither its geographic range nor the size of the populations fall within any of the threatened categories. This species is listed on the designation for the Zatoka Pucka i Polwysep Helski SAC which overlaps with the EAAA. It is listed on Annex II and IV of the Habitats Directive and under Appendix I of the Convention on the Conservation of European Wildlife and Natural Habitat. This species is therefore assessed under Criterion 2 (a) as a potential PBF and CH trigger species.</p> <p>In Poland, there are approximately 200 historically known localities. After 1980 however, the species was observed in 50 scattered localities in lowland Poland, especially in young glacial lakeland areas. The most abundant populations of the species occur in the peatlands of Augustowska Forest and Sejny Lake District, and in Gniezno Lake District.</p> <p>The habitats within the EAAA are not considered suitable for this species and therefore it is considered highly unlikely that this species is present in the EAAA.</p>	No	No
Terrestrial Invertebrates									

¹¹ Management Program for Vistula River Mouth region: PLH220044 and PLB220004, 2015

¹² Chief Inspectorate of Environmental Protection in Poland. Results of *Linaria odora* monitoring in 2017

Large Copper <i>Lycaena dispar</i>	NT	LR (Lower Risk; equivalent to Near Threatened or Least Concern on the IUCN Red List guidelines; Polish Red Data Book of Invertebrates)	Annex II and IV (HD) Appendix II and R6 (BC)	✓			<p>This species is listed as Near Threatened (NT) on the IUCN Global Red List and Least Concern (LC) on the IUCN European Red List. It is listed on the designation for the Zatoka Pucka i Polwysep Helski SAC which overlaps with the EAAA. This species is listed on Annex II and Annex IV of the Habitats Directive and under Appendix II Bern Convention. It is therefore assessed as a potential PBF under Criterion 2 (a).</p> <p>This species is found in marshy habitats and often on peat banks of lakes, rivers, and streams. It has a strong association with favoured nectar and egg laying plants (sorrels and water docks).</p> <p>It is possible that the species may occasionally be present in the EAAA however the key habitats for this species are not present and therefore there is no reason to believe that the EAAA is critical habitat for this species.</p>	No	No
Molluscs, Crustaceans and Fish									
Maraene <i>Coregonus maraena</i> (in PL known as <i>Coregonus lavaretus</i>)	VU	VU (Red List of Fishes and Lampreys, 2009)	Annex II (HD)	✓		✓	<p>This fish species is listed as Vulnerable on the IUCN Red List and is therefore assessed under EBRD Criterion 2 <i>Threatened Species</i> (c). This species was not found during ecological surveys. The IUCN also records this as a full migrant (anadromous) and therefore it is also assessed under EBRD Criterion 2 <i>Migratory and Congregatory</i> (a).</p> <p>This species is found on the coast of Poland as it occurs in the Baltic Sea area. Coasts provide important foraging habitats for this species, whilst it spawns in freshened parts of estuaries or in lower stretches of rivers, as well as lakes. Juveniles migrate to sea up to 700km from the spawning river to forage at sea. This species feeds on crustaceans, molluscs, large insect larvae and small fish.</p>	No	No

							Although not directly recorded during field surveys used for the assessment for this project, it is considered highly likely that this species utilise the EAAA. However, there is no reason to believe that the EAAA is critical habitat or priority biodiversity feature for this species due to its widespread European distribution and need for freshwater spawning habitat.		
Spiny Dogfish <i>Squalus acanthias</i>	VU	-	EN IUCN (Europe)	✓		✓	<p>This species is listed as Vulnerable on the IUCN Red List and is therefore assessed under EBRD Criterion 2 <i>Threatened Species</i> (c). This species was not recorded during ecological surveys. The IUCN also records this as a migratory and congregatory species and therefore it is assessed under EBRD Criterion 2 <i>Migratory and Congregatory</i> (a).</p> <p>This species is present in coastal waters of Poland and has a global distribution. This species is highly migratory. It can be found inshore in enclosed and open bays and estuaries, as well as offshore continental and insular slopes, notably < 600 m with relevance to the EAAA. This species swims in large schools with immature dogfish tending to school offshore whilst schools of mature females are often observed inshore.</p> <p>It is considered possible that immature schools of this species utilises the EAAA however this is considered to be a transitional habitat and due to this species global distribution, there is no reason to believe that this EAAA is critical habitat or a priority biodiversity feature.</p>	No	No
European Eel <i>Anguilla anguilla</i>	CR	CD (Conservation Dependent; equivalent to Near	CR IUCN (Europe)	✓		✓	<p>This species is listed as Critically Endangered on the IUCN Red List and is therefore assessed under Priority Biodiversity Feature and Critical Habitat Criterion 2 <i>Threatened Species</i> (b).</p> <p>The IUCN also records this as a migratory species and therefore it is assessed under EBRD critical habitat Criterion 2 <i>Migratory and Congregatory</i> (a & b). This species was not recorded during the</p>	No	No

		Threatened or Least Concern on the IUCN Red List guidelines; Red List of Fishes and Lampreys, 2009)					<p>surveys conducted previously however the methods used may have limited the chance of encountering this species.</p> <p>This species is widely distributed across Europe and found in a range of habitats and lives in fresh brackish and coastal and pelagic habitats (it is considered ubiquitous in accessible habitats within its geographic range). It is found in all European rivers draining to the Mediterranean, North and Baltic seas, in the Atlantic south to Canary Islands and parts of Mediterranean north Africa and Asia¹³. This species occupies open ocean habitats during migration. Glass eels enter freshwater habitats, maturing to silver stage before migrating to the Sargasso Sea to spawn. There is suitable habitat for this species within the EAAA, including marine coastal waters and rivers.</p> <p>It is highly likely that this species will utilise the EAAA. Use of the EAAA is expected to have seasonal peaks, associated with the upstream migration of glass (juvenile) eel in spring, and the downstream migration of adult (silver) eel in autumn, due to the presence of several estuaries leading into the marine EAAA. Whilst some eel may inhabit coastal waters for longer periods, the marine waters within the marine EAAA are generally considered to be transitional habitat for this species and therefore it is not considered to be critical habitat or a priority biodiversity feature.</p>		
Shad <i>Alosa fallax</i>	LC	EN (Polish Red List of Threatened Species, 2014);	Annex II (HD) Appendix I and III Resolution 6 (BC)	✓		✓	<p>This species is listed as Least Concern on the IUCN Red List. The IUCN also records this as a migratory species and therefore it is assessed under EBRD critical habitat Criterion 2 <i>Migratory and Congregatory</i> (a & b). This species is a listed on the designation for the Zatoka Pucka i Polwysep Helski SAC and Ostoja w Ujściu Wisły SAC which overlap with the EAAA.</p>	No	No

¹³ <https://www.iucnredlist.org/species/60344/12353683> (IUCN Red List - European eel, accessed on 24.05.2022)

		CR (Red List of Fishes and Lampreys, 2009)				<p>This species is listed in Annex II of the Habitats Directive and under Appendix I and III of the Convention on the Conservation of European Wildlife and Natural Habitats. This species is also defined as threatened and/ or declining in the Baltic Sea as per the convention on the protection of the marine environment of the Baltic Sea area. Therefore, this species is also assessed under Priority Biodiversity Feature and Critical Habitat Criterion 2 Threatened Species (b).</p> <p>This species is widely distributed across Europe, Israel, Russia, Morocco, Egypt and Lebanon. The species is found on the southern shore of Baltic, the North Sea northward to Bergen, Atlantic coasts from Scotland and Ireland to Morocco, northern Mediterranean (and the Nile) and rarely in the northern Black Sea occasionally east to Crimea, from where adults ascend rivers, migrating a short distance upstream to spawn. The IUCN distribution map shows no population in the Gdansk aggregated Marine EAAA; however, it was recorded during fish surveys conducted as part of the original port biodiversity assessment.</p> <p>This species migrates from sea to rivers and spawns in the main river often only a few kilometres above the limit of brackish water. Spawning has also been reported from small rivers over gravel bottom. At sea, juveniles remain close to shore and estuaries. Spawning starts when the temperature reaches about 15°C or more, in May-June. This species spawns in large, very noisy schools near the surface after midnight and eggs sink to the bottom or are pelagic. After mating fish migrate back to the sea.</p> <p>Ostoja w Ujściu Wisły SAC is an important area for <i>Alosa fallax</i> during the period of reproductive migration¹⁴. For sure this species is present within the marine EAAA, but as it is considered transitional habitat therefore it does not constitute critical habitat</p>		
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¹⁴ Management Program for Vistula River Mouth region: PLH220044 and PLB220004, 2015

							for this species. The population of <i>Alosa fallax</i> in SAC is non-isolated within a large distribution area so it was not considered as a priority biodiversity feature in EAAA.		
Aral Asp <i>Leuciscus aspius</i>	N/A	N/A	Annex II and IV(HD) Appendix III and R6 (BC)	✓			<p>This species is listed as Least Concern on the IUCN Red List. It is listed on Annex II and Annex IV of the Habitats Directive and under Appendix III and Resolution 6 of the Bern Convention. It is also defined as threatened and/ or declining in the Baltic Sea as per the convention on the protection of the marine environment of the Baltic Sea area. Therefore, this species is also assessed under Priority Biodiversity Feature and Critical Habitat Criterion 2 Threatened Species (b).</p> <p>This species is distributed in eastern Europe and is resident in Poland. It is a freshwater species inhabiting lowland rivers and lakes. As this species inhabits freshwater habitats (absent in the EAAA), there is no reason to believe that the EAAA is critical habitat or a priority biodiversity feature.</p>	No	No
European River Lamprey <i>Lampetra fluviatilis</i>	LC	EN (Red List of Fishes and Lampreys, 2009)	Annex II (HD) Appendix I and III (BC)	✓		✓	<p>This species is listed of least concern on the IUCN Red List. It is a migratory species and therefore it is assessed under EBRD Criterion 2 <i>Migratory and Congregatory</i> (a). This species is listed on the designation for the Zatoka Pucka i Polwysep Helski SAC and Ostoja w Ujściu Wisły SAC which overlap with the EAAA. This species is listed in Annex II and IV of the Habitats Directive and under Appendix I and III Bern Convention. This species is also defined as threatened and/ or declining in the Baltic Sea as per the Convention on the protection of the marine environment of the Baltic Sea area. It is therefore assessed under EBRD Criterion 2 Threatened Species (a).</p> <p>This species is known from Northern and central Europe in North and Baltic Sea basins. Adults live in coastal waters and estuaries, the species spawn in strong-current habitats of rivers and streams. Adults migrate into rivers from autumn to spring and is mainly</p>	No	No

							<p>nocturnal and ceases at low temperatures. Males dig shallow nests (redds) in habitats with fast current and die after spawning. After metamorphosis (from late summer to late autumn), most juveniles overwinter in freshwater and migrate to the sea in spring.</p> <p>Ostoja w Ujściu Wisły SAC is an important area for <i>Lampetra fluviatilis</i> during the period of reproductive migration¹⁵. For sure this species will utilise the marine habitats within the EAAA during migration and during certain life stages, however the EAAA is considered to be transitional habitat for this species and therefore is not considered to be critical habitat. The population of <i>Lampetra fluviatilis</i> in SAC is non-isolated within a large distribution area so it was not considered as a priority biodiversity feature in EAAA.</p>		
Atlantic Salmon <i>Salmo salar</i>	VU	EW/CD (Extinct in the wild / Conservation Dependent; Red List of Fishes and Lampreys, 2009) (Annex II (HD) Annex IV (HD)* Appendix I and III (BC)*	✓		✓	<p>This species is listed as Vulnerable on the IUCN Red List and is therefore assessed under EBRD Criterion 2 <i>Threatened Species</i> (c). The IUCN also records this as a migratory fish and therefore it is assessed under EBRD Criterion 2 <i>Migratory and Congregatory</i> (a). This species is listed on the designation for the Zatoka Pucka i Polwysep Helski SAC and Ostoja w Ujściu Wisły SAC which overlap with the EAAA. It is listed on Annex II and Annex IV of the Habitats Directive (*Annex IV designation only in freshwater).</p> <p>The Atlantic Salmon has a North Atlantic distribution. In Europe, the species is known from the Atlantic, North, White, Barents and Baltic Sea basin.</p> <p>In Poland, <i>Salmo salar</i> became extinct in the 1980s (the last recorded position on the Drawa River). It was most abundant in the Vistula River and its tributaries. The last salmon were observed in the middle and lower Vistula River in the 1960s. The</p>	No	No

¹⁵ Management Program for Vistula River Mouth region: PLH220044 and PLB220004, 2015

							<p>restitution of salmon has been carried out in Poland since 1985. The restoration of the population is currently based on the stock from the Dougawa River (Latvia), the fry of which go to the rivers of Pomerania and the Vistula River.</p> <p>It is considered possible that this species utilises the EAAA as a transitional habitat during migrations however this is not considered to be critical habitat or a priority biodiversity feature.</p>		
Birds									
Common Ringed Plover <i>Charadrius hiaticula</i>	LC	EN (Red List of Birds in Poland, 2020)	Annex II (BC)	✓		✓	<p>This species is fully migratory and congregatory and is listed as EN on the Red List of Birds in Poland and therefore is assessed under EBRD Criterion 2 <i>Priority Species and their Habitats</i> (d) and <i>Migratory and Congregatory</i> (a). This species is listed on the designation for the Zatoka Pucka SPA, where the T3 planned investment takes place. This species has been recorded nesting on the beach within the compensation area for T2.</p> <p>This species has a wide global range with an Extent of Occurrence (breeding/resident of 40,400,000 km²) and (non-breeding of 88,900,000 km²). The global population is estimated to number c.415,000-1,400,000 individuals (Wetlands International 2015).¹⁶</p> <p>Despite the known presence of this species within the EAAA, there is no reason to believe that the EAAA provides a priority biodiversity feature or critical habitat for this species as it is considered highly unlikely that the EAAA supports >1% of the global population at any point of this species life cycle.</p>	No	No

¹⁶ BirdLife International (2022) Species factsheet: Charadrius hiaticula. Downloaded from <http://www.birdlife.org> on 13/06/2022

<p>Little Ringed Plover <i>Charadrius dubius</i></p>	<p>LC</p>	<p>LC (Red List of Birds in Poland, 2020)</p>	<p>Annex II (BC)</p>			<p>✓</p>	<p>This species is fully migratory and congregatory and therefore is assessed under ERBD Criterion 2 <i>Migratory and Congregatory</i> (a). This species is known to breed within the EAAA and has been recorded in beach habitats adjacent to the existing port site and adjacent to freshwater pools to the south of the beach. The EIA states that in ‘2011 – 2013 one pair brooded on plot 11d and other pairs were observed in the area currently occupied by terminal T2’.</p> <p>This species is present and breeding within Poland, and has an extremely large range across Europe, Asia and central Africa. During the breeding season preferable habitat includes bare or sparsely vegetated sandy and pebbly shores of freshwater waterbodies, habitats not found within the EAAA.</p> <p>The global population is estimated to number c 190,000-510,000 individuals. The overall population trend is decreasing, although some populations have unknown trends (Wetlands International 2014).</p> <p>Despite the known presence of this species within the EAAA, there is no reason to believe that the EAAA provides a priority biodiversity feature or critical habitat for this species as it is considered highly unlikely that the EAAA supports >1% of the global population at any point of this species life cycle.</p>	<p>No</p>	<p>No</p>
<p>Little Tern <i>Sternula albifrons</i></p>	<p>LC</p>	<p>VU (Red List of Birds in Poland, 2020)</p>	<p>N/A</p>			<p>✓</p>	<p>This species is fully migratory and congregatory and therefore is assessed under ERBD Criterion 2 <i>Migratory and Congregatory</i> (a). This species is a listed on the designation for the Zatoka Pucka SPA, where the T3 planned investment takes place. This species is known to breed within the terrestrial EAAA from data collected to inform the ecological assessment. Data presented from 2014 to 2017 indicates that little tern are present in the vicinity of the port area; however, only a single pair was observed to be present on site for long enough to be considered a probable breeding pair in 2016. Mitigation for little tern was provided within the beach</p>	<p>No</p>	<p>Yes</p>

							<p>habitats following the construction of Terminal T2. The Vistula River Mouth Ramsar site (within the EAAA) is known as a nationally important nesting site for this species.</p> <p>This species is present and breeding within Poland, found breeding through much of Europe and present across parts of Africa, in much of western, central and the extreme east and south of Asia, and in northern parts of Australasia. This species breeds on barren and sparsely vegetated beaches, islands and spits of land, shingle, pebbles, rocks etc on seashores or in estuaries, saltmarshes, salt pans and other inshore waterbodies. Its diet consists predominantly of small fish and crustaceans as well as insects, worms and molluscs. Their nests are a bare scrape positions on the land with low vegetation cover on beaches of sand, pebbles, shingle and other coastal material. The species nests in small loose colonies. Foraging terns can be as limited in range as to less than 4km away from the nearest colony.</p> <p>The global population is estimated to number c.190,000-410,000 individuals (Wetlands International 2015).</p> <p>Due to the presence of probable breeding pairs from historic data, the nationally important Vistula River Ramsar site and the VU status of this species nationally, the EAAA is considered to be critical habitat for this species on a precautionary basis. It is considered possible that the EAAA could support $\geq 1\%$ of the global population.</p>		
Common Pochard <i>Aythya ferina</i>	VU	VU (Red list of Birds in Poland, 2020)	VU (IUCN)	✓		✓	<p>This species is listed as a vulnerable species on the IUCN Red List and is therefore assessed under EBRD Criterion 2, Threatened Species (c). This species is also fully migratory and congregatory and therefore is assessed under IUCN Criterion 3 and EBRD Criterion 2, Migratory and congregatory species (a).</p> <p>This species is present but not breeding within Poland and is widespread across Europe, Asia and north Africa. Priority habitat</p>	No	No

							<p>for this species is well-vegetated swamps, marshes, lakes and slow flowing rivers with areas of open water. Whilst these are not habitats found within the EAAA, this species inhabits marine inlets and transitional waters in winter.</p> <p>It is considered unlikely that this species utilises the EAAA on a regular basis and therefore it is not considered a priority biodiversity feature or critical habitat.</p>		
<p>Long-tailed Duck <i>Clangula hyemalis</i></p>	VU		N/A	✓		✓	<p>This species is listed as a vulnerable species on the IUCN Red List and is therefore assessed under EBRD Criterion 2, Threatened Species (c). This species is also fully migratory and congregatory and therefore is assessed under IUCN Criterion 3 and EBRD Criterion 2, Migratory and congregatory species (a).</p> <p>This species is present as a non-breeding species and is circumpolar, widespread across the northern hemisphere. Suitable habitats found within this EAAA include subtidal habitats with sand, sandy mud and loose rocks/pebbles alongside macroalgal/kelp and submerged seagrass. Other suitable habitat outside of this EAAA includes tundra grassland and permanent freshwater lakes (over 8ha). This species demonstrates a preference for marine foods with its diet consisting of animal matter such as molluscs, crustaceans and other marine invertebrates, and fish. This species also feeds on plant material such as algae and grasses.</p> <p>It is considered likely that this species is present within the EAAA during some periods of the year; however, due to the expansive range of this species across the northern hemisphere there is no reason to believe that the EAAA is critical habitat. Due to the foraging habitats present however and the fact that the EAAA supports this VU species, it is considered a priority biodiversity feature on a precautionary basis.</p>	Yes	No
Horned Grebe	VU	-	Annex I (BD)	✓□		✓	<p>This species is listed as a vulnerable species on the IUCN Red List and is listed in Annex I of Birds Directive and Resolution 6 of the</p>	Yes	No

<i>Podiceps auritus</i>			Annex I and R6 (BC)			<p>Bern Convention. It is therefore assessed under EBRD Criterion 2, Threatened Species (a & c). This species is also fully migratory and congregatory and therefore is assessed under IUCN Criterion 3 and EBRD Criterion 2, Migratory and congregatory species (a).</p> <p>This species is present as a non-breeding species and is found widespread across the Palearctic and Nearctic. Suitable habitat within the EAA is limited to open sea waters. Other suitable habitat for this species includes inland wetlands (e.g. bogs and marshes, or freshwater lakes). Its diet consists of invertebrates, such as crustaceans and insects, molluscs, worms and fish.</p> <p>Due to the presence of this species, extent of suitable habitats and its listing under the Birds Directive and Bern Convention, the EAAA is considered to be a priority biodiversity feature under EBRD Criterion 2 <i>Threatened Species</i> (a & c). However, due to the expansive range of this species and limited provision of inland habitats there is no reason to believe that the EAAA is critical habitat for this species.</p>		
Sandwich Tern <i>Thalasseus sandvicensi</i>	LC	CR (Red list of Birds in Poland, 2020)	Annex I (BD) Annex I and R6 (BC)	✓ <input type="checkbox"/>	✓	<p>This species is listed as a Least Concern species on the IUCN Red List and is listed in Annex I of Birds Directive and Resolution 6 of the Bern Convention. This species is listed as EN in the Polish Red list of Birds It is therefore assessed under EBRD priority biodiversity feature Criterion 2, <i>Threatened species</i> (a). It is listed as critically endangered on the Polish red list. This species is also fully migratory and congregatory and therefore is assessed under IUCN Criterion 3 and EBRD priority biodiversity feature Criterion 2, <i>Migratory and congregatory species</i> (a) and critical habitat (a & b). This species was not observed during field surveys undertaken as part of monitoring for Terminal T2.</p> <p>This species is present in Poland and an internationally important nesting site is present within the EAAA. The Vistula River Mouth Ramsar site is the only known nesting site in Poland for this</p>	No	Yes

							<p>species. This species is well distributed in Western Europe, Western Africa, Central and South America.</p> <p>This species listed as a summer visitor in Poland¹⁷. Suitable habitats within the EAAA for this species include marine nerectic habitats such as subtidal sand and marine intertidal habitats such as sandy shoreline, beaches, sand bars, spits, shingle and pebble. Its diet consists of surface-dwelling marine fish, small shrimps, marine worms and shorebird nestlings.</p> <p>Due to the known presence of this species and its listing under the Birds Directive and Bern Convention, the marine EAAA is considered to be a priority biodiversity feature under EBRD Criterion 2 <i>Threatened Species</i> (a).</p> <p>Whilst the marine habitats within the EAAA will provide a foraging resource for this species, the terrestrial EAAA overlaps with the Vistula River Mouth Ramsar site and therefore it is possible that the EAAA sustains, on a cyclical or otherwise regular basis, ≥ 1 percent of the global population at any point of the species' lifecycle. Due to the CR status on the Polish Red list, this species is therefore considered critical habitat on a precautionary basis.</p>		
Common Tern <i>Sterna hirundo</i>	LC	LC (Red list of Birds in Poland, 2020)	Annex I (BD) Annex I and R6 (BC)				<p>This species is listed as a least concern species on the IUCN Red List and is listed in Annex I of Birds Directive and Resolution 6 of the Bern Convention. It is therefore assessed under EBRD priority biodiversity feature Criterion 2, <i>Threatened species</i> (a). This species is also fully migratory and congregatory and therefore is assessed under IUCN Criterion 3 and EBRD priority biodiversity feature Criterion 2, <i>Migratory and congregatory species</i> (a) and critical habitat (a & b). This species is a listed on the designation for the Zatoka Pucka SPA, where the T3 planned investment takes</p>	No	Yes

¹⁷ https://ec.europa.eu/environment/nature/conservation/wildbirds/threatened/s/sterna_sandvicensis_en.htm

							<p>place. This species was recorded during field surveys as part of monitoring for the T2 Terminal.</p> <p>This species is present in Poland and internationally important nesting site (Vistula River Mouth Ramsar) is present within the EAAA. This species can be found breeding in most of Europe, Asia and North America. There is suitable habitat within the EAA to include marine intertidal sandy shoreline, beach, rocky shoreline, sand bars and pebbles shoreline. Habitats of major importance include marine neritic habitats such as subtidal sandy or mud habitat. Other suitable habitat for this species includes inland wetlands (permanent rivers, streams, creeks and freshwater lakes). Its diet consists of small fish and occasional planktonic crustaceans and insects.</p> <p>Due to the known presence of this species and its listing under the Birds Directive and Bern Convention, the EAAA is considered to be a priority biodiversity feature under EBRD Criterion 2 <i>Threatened Species (a)</i>.</p> <p>The EAAA includes the internationally designated Vistula River Mouth Ramsar site, therefore the EAAA is considered to be a priority biodiversity feature under EBRD Criterion 2 <i>Migratory and congregatory species (a)</i>. There is reason to believe that the EAAA provides critical habitat to this species due to the presence of a breeding colony and suitability of habitat for this species, meaning it could support $\geq 1\%$ of the global population.</p>		
Mammals									
Eurasian Otter <i>Lutra lutra</i>	NT	-	Annex II (HD) Appendix II (BC)	✓		✓	Eurasian Otter <i>Lutra lutra</i> has most recently been assessed for The IUCN Red List of Threatened Species in 2020. The species is not known as a migratory species. This species is listed in Annex II of the Habitats Directive and under Appendix II of the Bern	No	No

						<p>Convention. It is therefore assessed under Criterion 2 (a & b) for CH and PBF.</p> <p>This species is listed on the designation for the Zatoka Pucka i Polwysep Helski SAC and Ostoja w Ujściu Wisły SAC which overlap with the EAAA.</p> <p>The Eurasian Otter has one of the widest distributions of all Palaearctic mammals. Its range covers parts of three continents: Europe, Asia and Africa. The Eurasian Otter is now common in Austria, Bulgaria, Czechia, Estonia, Hungary, Ireland, Latvia, Lithuania, Montenegro, North Macedonia, Norway, Poland, Portugal, Slovakia, Spain, Sweden, and the United Kingdom.</p> <p>The Eurasian Otter lives in a wide variety of aquatic habitats, including highland and lowland lakes, rivers, streams, marshes, swamp forests and coastal areas independent of their size, origin or latitude. The Eurasian Otters are closely connected to a linear living space. Most portion of their activity is concentrated on a narrow strip on either side of the interface between water and land. Otter distribution in coastal areas especially the location of holts, is strongly correlated with the presence of freshwater.</p> <p>Due to the lack of freshwater habitats in the terrestrial or marine EAAA, it is considered highly unlikely that these areas provide optimal habitat for this species. Disturbance from the port and the lack of suitable habitat for resting sites in the EAAA also indicate that there is no reason to believe that the EAAA is critical habitat for this species or that it should be considered a priority biodiversity feature.</p>		
European Mink <i>Mustela lutreola</i>	CR	EXP (Polish Red List of Endanger)	Annex II & IV (HD)	✓		<p>This species is listed as critically endangered on the IUCN Red List and is therefore assessed under EBRD Criterion 2, Threatened Species (b).</p>	No	No

		ed Species, 2001)					The IUCN range shows that this species is extinct within Poland and neighbouring European countries. It is listed as an extinct species in the Polish Red Book of Animals. There is no reason to believe that the EAAA is of critical habitat for this species or that this species is a priority biodiversity feature.		
Baltic Sea sub-population Grey seal <i>Halichoerus grypus</i>	LC	EN (Polish Red List of Threatened Species, 2001)	Annex II & IV (HD)	✓		✓	<p>This species is listed as a Least Concern species on the IUCN Red List and Endangered on the Polish Red List¹⁸. This species is a listed on the designation for the Zatoka Pucka i Polwysep Helski SAC and Ostoja w Ujściu Wisły SAC which overlap with the EAAA. It is considered to be congregatory as it gathers in groups in haul-out and breeding areas along the coast. It is therefore assessed under EBRD priority biodiversity feature and also as a Critical Habitat trigger for Criterion 2 (a, b and d).</p> <p>This species is distributed in North Atlantic waters. There is a population endemic to the Baltic Sea. The former colonies of the grey seals inhabiting the southern part of the Baltic coast from Germany to Lithuania are no longer existing, currently creating only small clusters there. In Poland the Vistula River Mouth Ramsar site (Ostoja w Ujściu Wisły SAC, Mewia Lacha Nature Reserve) is an important resting area for this species and hosts Poland's main population of grey seals. For this reason, the Hel Marine Station of the Institute of Oceanography of the University of Gdansk, conducts research focused on the preparation for experimental breeding and restitution of the grey seal to the Gdansk Bay. The Station's activities are fully respected and internationally recognizable.</p> <p>Due to this species Annex IV designation, the extensive marine habitats within the EAAA and the overlap of the terrestrial EAAA</p>	Yes	Yes

¹⁸ <https://helcom.fi/media/red%20list%20species%20information%20sheet/HELCOM-Red-List-Halichoerus-grypus.pdf> (Accessed 24.05.2022).

							with the Vistula River Mouth Ramsar site; the EAAA is considered to be critical habitat due to the important congregations of this nationally listed Endangered species.		
Harbour seal <i>Phoca vitulina</i>	LC	-	Annex II & IV (HD) Annex III and R6 (BC)	✓		✓	<p>This species is considered to be congregatory as it gathers in groups in haul-out and breeding areas along the coast. It is listed on Annex II and IV of the Habitats Directive and is regionally listed as an Endangered species. It is therefore assessed under as a potential priority biodiversity feature and critical habitat trigger under Criterion 2 (a, b and d).</p> <p>This species has a very wide distribution in Europe and North America. This species live in coastal waters of the continental shelf and slope, and are commonly found in bays, rivers, estuaries, and intertidal areas.</p> <p>The harbour seal is a rare and sporadic species on the Polish coast¹⁹. The Vistula River Mouth Ramsar site is an important resting area for harbour seals. Harbour seals occasionally breed at the site (the only breeding location of the species in Poland²⁰). Habitats for this species include marine neritic and marine intertidal, marine coastal habitats and offshore islands which are all present in the EAAA.</p> <p>Due to this species Annex IV designation, the extensive marine habitats within the EAAA and the overlap of the terrestrial EAAA with the Vistula River Mouth Ramsar site; the EAAA is considered to be critical habitat due to the important congregations of this nationally listed Endangered species.</p>	No	Yes

¹⁹ General Inspectorate of Environmental Protection, Nature Monitoring Bulletin. Monitoring of marine species and habitats in 2016–2018

²⁰ <https://rsis.ramsar.org/ris/2321> (Ramsar Sites Information Service – accessed on 25.05.2022)

<p>Baltic Sea sub-population Harbour porpoise <i>Phocoena phocoena</i></p>	<p>LC</p>	<p>CR (Baltic Sea Sub-population as listed on the IUCN Red List and the Polish Red List of Threatened Species, 2001)</p>	<p>Annex II & IV (HD) Annex I and R6 (BC)</p>	<p>✓</p>	<p>✓</p>	<p>Globally, this species is listed as Least Concern on the IUCN Red list; however, the Baltic Sea sub-population is listed as Critically Endangered. This species is also listed under Annex II and IV of the Habitats Directive. This species is listed on the designation for the Zatoka Pucka i Polwysep Helski SAC which overlaps with the EAAA. This species is considered to be congregatory regularly forming groups of up to ten animals, although aggregations of up to 50 animals has been known. Therefore, this species is assessed under Criterion 2 (a, b and d).</p> <p>The IUCN Red List assessment for the Baltic Sea sub-population states that the '<i>abundance of Harbor Porpoises in the Baltic Sea was estimated as 497 animals based on two years (May 2011-Apr 2013) of static acoustic monitoring data collected at 304 survey stations (SAMBAH 2016). Aerial surveys were conducted during different seasons in the years 2002 to 2006 to obtain estimates of abundance in the southwestern Baltic. Abundance estimates for the total area ranged from 457 (CV=0.97) in March 2003 to a high of 4,610 (CV=0.35) in May 2005 (Scheidat et al. 2008)</i>'.²¹</p> <p>The results of the porpoise monitoring performed in the years 2016-2018 in Polish sea areas indicate that the conservation status of the species was assessed as bad22. By-catch in fishing nets (accidental death in fishing nets), followed by underwater noise related to the investments in the marine areas or intensive movement of vessels are identified as the main threat to the population of the species in the Polish Baltic Sea area. Noise is identified as one of the most important factors affecting harbour porpoise habitat, causing deterrence, deafness or even death of the individuals. The protective recommendations include the use of underwater noise reduction systems in the case of investments in sea areas generating excessive noise.</p>	<p>Yes</p>	<p>Yes</p>
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²¹ <https://www.iucnredlist.org/species/17027/50369903> Harbor Porpoise Red List Assessment (IUCN) – accessed 25.05.2022

22 Chief Inspectorate of Environmental Protection, Nature Monitoring Bulletin. Monitoring of Marine Species and Habitats in the years 2016-2018

Significant Nature Area Category	Area Name	Approximate distance from DCT Gdansk T3 Investement
	Ujście Wisły PLB220004	4.5km and 13km
PLH Natura 2000 site (SAC)	Twierdza Wisłoujście PLH220030	2.5km
	Ostoja w Ujściu Wisły PLH220044	4km and 14.5km
	Klify i Rify Kamienne Orłowa PLH220105	14km
	Zatoka Pucka i Półwysep Helski PLH220032	23km
International protected areas		
Important Bird Area (IBA)	Zatoka Pucka (Puck Bay) PL024	Within
	Ujście Wisły (Vistula River Mouth) PL027	4km
	Półwysep Helski (Hel Peninsula) PL162	23.5km
RAMSAR site	Ujście Wisły (Vistula River Mouth)	4.5km and 13km

5. Summary

Due to the application of DCT Gdansk SA for project funding from the European Bank for Reconstruction and Development (EBRD) the implementation of bank requirements to the EIA Report's documentation is needed. The Critical Habitat Assessment (CHA) is one of the supplements to EIA Report and ED 2019 on biodiversity issues in accordance with EBRD Guidance Note - Performance Requirement 6: Biodiversity Conservation and Sustainable Management of Living Natural Resources (EBRD PR6 Guidance Note). The CHA fully fills the gaps identified in the biodiversity part of EIA Report in compliance with the EBRD criteria (see: Table 3).

EIA Report includes a biodiversity impact assessment of the Terminal T3 planned investment. The results of the EIA Report indicate that during both construction and operation phases negative impacts on the biodiversity will occur. However, as it is written in the EIA Report, the implementation of the planned investment in accordance with the mitigation measures proposed in the EIA Report and conditions prescribed by ED 2019 for the protection of species and their habitats at the construction and the exploitation stages of T3 makes potential direct and indirect impacts possible to detect and to reduce to an acceptable level.

To meet EBRD Performance Requirement 6, Biodiversity Conservation and Sustainable Management of Living, Natural Resources, a supplementary biodiversity impact assessment has been based on the ongoing birds monitoring in the vicinity of the existing terminal and latest monitoring data of marine mammals in Gdansk Bay and Puck Bay shared by the Chief of the Seal Sanctuary of the Hel Marine Station of the Institute of Oceanography of Gdansk University. While habitat loss as result of backfilling, will be negligible in regards to the Ecological Appropriate Area of Analysis for the considered species, a set of mitigation measures has been proposed against other potential negative impacts at construction stage. Dredging related time restrictions, mitigation measures, adaptive management and ongoing ornithological supervision are aimed at protection of birds, while implementation of the Marine Mammal Mitigation Protocol (based on the guidance from Joint Nature Conservation Committee) during piling works will mitigate underwater noise and vibration impacts on marine mammals. Upon implementation of these mitigation measures the Project can be considered compliant with EBR PR6. Table 3 below summarises Projects compliance with specific provisions of PR6.

Table 3. CHA vs EBRD PR6 Guidance Note requirements

6	Biodiversity and Living Natural Resources		
	Performance Requirement and/or Standard	Comments / Issues	Actions required
6.1	Assessment of Biodiversity and Living Natural Resources	<p>As EBRD PR6 requires the definition of an Ecological Appropriate Area of Analysis (EAAA) within which the CHA is undertaken, such area was established in the following way:</p> <ol style="list-style-type: none"> 1) The marine part of the EAAA has been calculated based on a 25km radius of the proposed area of impact and covers all marine environments within this range. The 25km buffer has been applied due to the potential noise impacts from construction phase of the T3 project. 2) The terrestrial parts of the EAAA have been aligned with project area of T3 construction and the adjacent areas / habitats where a defined landscape change has been observed. Additionally, the terrestrial part of the EAAA includes the compensation site for Terminal T2, where DCT is obliged by 	No action required.

6	Biodiversity and Living Natural Resources		
	Performance Requirement and/or Standard	Comments / Issues	Actions required
		<p>the Regional Director of Environmental Protection in Gdansk to take protective measures for birds and all-year-round bird monitoring according to the ED 2014.</p> <p>To identify potential Critical Habitat triggers within the EAAA, the screening study comprised a number of desk-based studies using the following data sources:</p> <p>1) EIA documentation & DCTs Bird Monitoring on Compensation Site of Terminal T2:</p> <ul style="list-style-type: none"> • DCT Gdansk – EIA report for Expansion of the DCT Gdansk container terminal in the Northern Port in Gdansk, 2018 with attachments; • Environmental Decision for Expansion of the DCT Gdansk container terminal in the Northern Port in Gdansk, RDOŚ-Gd-WOO.420.125.2018.AT.11, Gdansk 2019; • DCT Gdansk – Report on ornithological supervision over environmental compensation related to the expansion of DCT Gdańsk (decision RDOŚ-GD-WOO.4211.29.2013.AT.9) in 2020; • DCT Gdansk – Ornithological monitoring report of 2021 concerning compensation measures specified in the decision on environmental conditions for the project "Construction of the Container Terminal T2" no. RDOŚ-Gd-W00.4211.29.2013.AT.9 of 28th March 2014, SUBNEA 2022. <p>2) Baseline data used in EIA Report to assess the biodiversity of Terminal T3 investment area:</p> <ul style="list-style-type: none"> • Invertebrate / macrozoobenthos research methods – inventory results for the EIA Report related to the construction of Terminal T2 at DCT, Transprojekt Gdański Sp. z o.o. for Maritime Office in Gdynia, 2015 (Transprojekt 2015); EIA Report related to the construction of protective breakwaters at Northern Port of Gdańsk, ECG Orbital, 2015 (Orbital 2015); • Ichthyofauna research methods – inventory results for the EIA Report related to the construction of Terminal T2 at DCT (Transprojekt 2015); • Avifauna research methods – inventory results included in the EIA Report of the ornithological monitoring in the area of Northern Port of Gdańsk for the period of November 2015 – October 2016, ECG Orbital for Maritime Office in Gdynia, 2016 (Orbital 2016); results of ornithological monitoring of the effectiveness of mitigating measures related to the construction of Terminal T2 in accordance with the decision of Regional Director of Environmental Protection in Gdańsk from 28th March 2014, no. Gd-WOO.4211.29.2013.AT.9; • Marine mammals research methods – results of international SAMBAH Life + Project – Static Acoustic Monitoring of the Baltic Sea Harbour Porpoise in 2 years period – May 2011 – April 2013 (SAMBAH Project, SAMBAH After LIFE Conservation Plan); 	

6	Biodiversity and Living Natural Resources		
	Performance Requirement and/or Standard	Comments / Issues	Actions required
		<ul style="list-style-type: none"> • Land plant cover research methods – inventory results for the EIA Report related to the construction of Terminal T2 at DCT (Transprojekt 2015); inventory results of the habitats and plant communities carried out in May 2018 by the discussed EIA Report’s authors. <p>3) Marine mammal data from available publications, Standard Data Formulas of Natura 2000 sites, etc.:</p> <ul style="list-style-type: none"> • LIFE+ SAMBAH Project; • SAMBAH After LIFE Conservation Plan; • ASCOBANS Recovery Plan for Baltic Harbour Porpoises - Jastarnia Plan; • PLB220005 Protection Plan draft; • Management Program for the Zatoka Pucka region areas: PLH220032 and PLB220005; • Management Program for the Vistula River Mouth region areas: PLH220044 and PLB220004; • Chief Inspectorate of Environmental Protection, Nature Monitoring Bulletin. Monitoring of Marine Species and Habitats in the years 2016-2018; • Grey Seal Protection Program – draft; • Harbour Porpoise Protection Program; • PLB220004 Standard Data Form; • PLH220032 Standard Data Form; • PLB220005 Standard Data Form; • PLH220044 Standard Data Form. <p>4) The latest monitoring data of marine mammals in Gdansk Bay and Puck Bay shared by the Chief of the Seal Sanctuary of the Hel Marine Station of the Institute of Oceanography of Gdansk University, i.e.:</p> <ul style="list-style-type: none"> • Progress Report on The Jastarnia Plan: The Recovery Plan for the Harbour Porpoise in the Baltic Proper (2019); • Hel Marine Station, University of Gdansk, Marine Mammal Monitoring Data [pers. comms.; unpublished, 2019-2022]. <p>A desk study search was also conducted to review the species listed under the EU Nature Directives (92/43/EEC Habitats Directive (Annex II and IV), 2009/147/EC Birds Directive (Annex I) and Bern Convention (Resolution 4 and 6) for the Zatoka Pucka Special Protection Area (SPA), Ujscie Wisly SPA, Zatoka Pucka i Polwysep Helski Special Area of Conservation (SAC), Ostoja w Ujsciu Wisly</p>	

6 Biodiversity and Living Natural Resources			
	Performance Requirement and/or Standard	Comments / Issues	Actions required
		SAC. All species listed within the designation for the Zatoka Pucka SPA, Ujscie Wisly SPA, Zatoka Pucka i Polwysep Helski SAC, Ostoja w Ujsciu Wisly SAC and Vistula River Mouth Ramsar site have been considered within the CHA.	
6.2	Conservation of Biodiversity	<p>The CHA considered all the species protected within the identified Significant Nature Areas next to the Terminal T3 investment which are under protection of the national law – Nature Reserves, European law – SPAs (PLB Natura 2000) and SACs (PLH Natura 2000), and areas protected by international law – IBAs, Ramsar sites. To meet the EBRD PR6 Guidance Note requirements the analyses were focused on the species considered to be Critically Endangered (CR), Endangered (EN) and Vulnerable (VU) according to the International Union for Conservation of Nature (IUCN) Red List of Threatened Species or species that are CR or EN in relevant Polish Red Lists. The aim of those analyses was to identify Priority Biodiversity Features (PBFs) and Critical Habitats (CH), which require specific attention in impact assessment and mitigation planning due to the EBRD PR6.</p> <p>Among the protected species of animals and plants living next to the Terminal T3 investment the following have obtained the PBF status: <i>Linaria loeselii</i>, long tailed duck <i>Clangula hyemalis</i>, horned grebe <i>Podiceps auratus</i>, Baltic Sea sub-population of grey seal <i>Halichoerus grypus</i> and Baltic Sea sub-population of harbour porpoise <i>Phocoena phocoena</i>.</p> <p>The marine and coastal areas adjacent to the Terminal T3 investment were qualified as CH for the following animal species: little tern <i>Sternula albifrons</i>, sandwich tern <i>Thalasseus sandvicensi</i>, common tern <i>Sterna hirundo</i>, Baltic Sea sub-population of grey seal <i>Halichoerus grypus</i>, harbour seal <i>Phoca vitulina</i> and Baltic Sea sub-population of harbour porpoise <i>Phocoena phocoena</i>.</p> <p>Following determination of CH separate appendices have been produced to provide specific details on project impacts and proposed mitigation for any feature(s) triggering CH or those that are assigned as a PBF (see Appendix A to CHA: Marine Mammal Mitigation Review, and Appendix B to CHA: Ornithology Mitigation Review).</p>	<p>Due to the planned dredging and piling works connected with the construction phase of Terminal T3 investment there are several mitigation actions required according to:</p> <p>1) Appendix A to CHA: Marine Mammal Mitigation Review, i.e.:</p> <ul style="list-style-type: none"> • Dredging activities carried out with regard to the “soft-start” procedure to ensure compliance with the Environmental Decision 2019 (ED 2019). • Pre-Construction Noise Monitoring at the onset of the piling programme. Noise monitoring shall be undertaken on the first pile installations [2-3 vibratory and percussive piles each] to gather data on actual piling noise impacts utilising the chosen piling technology, with and without proposed noise abatement techniques where applicable. <p>Pre-Construction Noise Monitoring data are needed especially for:</p> <ul style="list-style-type: none"> - Further data to be collected on piling noise impacts with and without noise abatement techniques. - Further data to be collected on ambient noise in the area, to inform impact threshold review. - Refinement of threshold distances. - Refinement of mitigation approach. - Review of marine mammal mitigation informed by site-specific noise data.

6	Biodiversity and Living Natural Resources		
	Performance Requirement and/or Standard	Comments / Issues	Actions required
			<ul style="list-style-type: none"> - Identification of additional noise abatement mitigation if required. • Implementation of the <i>protocol for minimising the risk of injury to marine mammals from piling noise</i> (based on the <u>Joint Nature Conservation Committee 2010</u>) to reduce the potential risk of mortality, injury or disturbance to marine mammals near piling operations. It incorporates “soft start” piling procedure required in accordance with the ED 2019. • Monthly Marine Mammal Monitoring Reporting following commencement of piling providing information which may suggest implementing other minimalization measures. • Schedule of Mitigation is to be implemented for the full duration of all vibratory and percussive piling activities. Agreement on seasonal requirements for marine mammal mitigation shall be agreed with the Lender once the piling programme is confirmed; e.g. should vibratory and / or percussive piling be restricted to the period November to June, marine mammal mitigation would only be required during this period. This approach will ensure that all the construction works of Terminal T3 will be undertaken in accordance with the prevention and foresight principle mentioned in Article 6 of the Environment Protection Act of 27 April 2001 (Polish Journal of Laws 2021, Item 1973 as amended). <p>2) Appendix B to CHA: Ornithology Mitigation Review, i.e.:</p>

6 Biodiversity and Living Natural Resources			
	Performance Requirement and/or Standard	Comments / Issues	Actions required
			<ul style="list-style-type: none"> • Dredging operations to avoid the most sensitive time of year for nesting birds including breeding, nesting and fledging of chicks; April to August (inclusive). This is in accordance with the ED 2019. • Mooring of vessels at breakwaters should be limited as much as possible between April and July to avoid disturbance to nesting birds. This is in accordance with the ED 2019 condition. • Visual monitoring of the sediment plume produced during dredging should be conducted to ensure it does not reach the Vistula River Mouth Ramsar site. • Where required, new interpretation boards should be installed on the fence of the T2 compensation area and surrounding locations to highlight the importance of the site for nesting birds. • Regular monitoring of the original T2 compensation area should continue to collect data on bird species nesting within the compensation area. It is suggested that a continuation of the monitoring that has been undertaken as part of T2 continues; including surveys within each breeding season for 5 years post-development of T3. The monitoring schedule and duration / methods should follow those deployed as part of the T2 monitoring and include surveys for little ringed plover, common ringed plover and little tern to assess the number of breeding pairs each year. • Consultation with relevant authorities: Regional Director for Environmental Protection in Gdansk and the Chief

6 Biodiversity and Living Natural Resources			
	Performance Requirement and/or Standard	Comments / Issues	Actions required
			<p>Inspector of Environmental Protection, should be undertaken to inform the bird monitoring schedule and scope and allow sharing of data.</p> <ul style="list-style-type: none"> Monitoring of the compensation area should include the collection of rubbish and maintenance of the fence and signs to ensure they remain effective in reducing disturbance that may impact breeding success. Pollution impacts to the marine, intertidal and terrestrial environment from piling and dredging operations will be mitigated via pollution prevention controls such as silt curtains. This mitigation will be implemented in adherence to best practice measures (in accordance with the project control documents) and is secured via the Dredging Management Plan. All construction equipment should have relevant CE certifications confirming its compliance with Directive 2000/14/EC of the European Parliament and of the Council of 8 May 2000 on the approximation of the laws of the Member States relating to the noise emission in the environment by equipment for use outdoors and other relevant legislation pertinent to CE certification. DCT to verify such compliance with CE on spot check basis. <p>3) In accordance with the Minister of Environment Regulation on species protection of animals the Investor (DCT Gdansk SA), or EPC Contractor on behalf of the Investor, to obtain permission from the locally competent Regional Director</p>

6 Biodiversity and Living Natural Resources			
	Performance Requirement and/or Standard	Comments / Issues	Actions required
			for Environmental Protection for all activities which may affect the protected species, not only connected with the construction works, but also with mitigation measures (incl. animals acoustic deterring).
6.3	Legally Protected and Internationally Recognized Areas	<p>The following Significant Nature Areas, including Legally Protected Areas (or areas of biodiversity conservation importance), were searched for as part of the CHA: PLH Natura 2000 Special Areas of Conservation (SAC); PLB Natura 2000 Special Protection Areas (SPA); Sites of Community Importance (SCI); Ramsar sites (Wetland of International Importance); Key Biodiversity Areas (KBA); including Important Bird Areas (IBA), Important Plant Areas (IPA) and Alliance for Zero Extinction Sites (AZES); Biodiversity Hotspots; Endemic Bird Areas; World Heritage Areas; National Parks; Nature Reserves; Landscape Parks; Marine Protected Areas.</p> <p>From all above types of protected areas, the most important were chosen due to their location in the EAAA (next to and near the T3 planned investment) and due to their conservation targets, i.e.:</p> <p>1) Areas under protection of the national law – Nature Reserves: Beka, Mechelińskie Łąki, Ptasi Raj, Mewia Łacha.</p> <p>2) Areas protected by European law – SPAs (PLB Natura 2000) and SACs (PLH Natura 2000): Zatoka Pucka PLB220005, Ujście Wisły PLB220004, Zatoka Pucka i Półwysep Helski PLH220032, Ostoja w Ujściu Wisły PLH220044.</p> <p>3) Areas protected by international law – IBAs: Półwysep Helski PL162 and Ujście Wisły PL027; Vistula River Mouth Ramsar Site.</p>	No additional actions required beside those listed in Ref. 6.2.
6.4	Sustainable Management of Living Natural Resources	The Project does not include crop or livestock production, natural or plantation forestry, aquaculture, or fisheries, and production and use of biomass for energy or biofuel production that are subjects of this PR.	

It is worth noting, that the scope of CHA fully complies with the National and European requirements on the biodiversity protection, i.e.:

Polish acts on biodiversity:

- **Environment Protection Act** of 27 April 2001 (Polish Journal of Laws 2021, item 1973 with changes). This Act lays down the general principles of environment protection in Poland, creates a framework for administration, planning and decision-making at the national level, and regulates various matters related to environment protection including animals and plants protection.

- **Nature Conservation Act** of 16 April 2004 (Polish Journal of Laws 2022, item 916). Determines the aim of nature conservation, which is: (1) maintenance of ecological processes and ecosystem stability; (2) preservation of biological diversity; (3) preservation of geological and paleontological heritage; (4) ensuring the continued existence of species, including their habitats; (5) protection of landscape, the greenery in towns and villages, and trees; (6) maintenance of the proper state of conservation of natural habitats, as well as the other resources, formation.
- + **List of the Minister of Environment Regulations** concerning protected areas and species, from which the most important according to the CHA are:
- Regulation of the Minister of Environment of 16 December 2016 on species protection of animals (Polish Journal of Laws 2016, item 2183 with changes),
 - Regulation of the Minister of Environment of 9 October 2014 on species protection of plants (Polish Journal of Laws 2014, item 1409),

EU acts on biodiversity:

- Convention on the conservation of European wildlife and natural habitats – **Bern Convention**, adopted at Bern in September 1979 (OJ L 38, 10.2.1982, pp. 3-32). It aims to promote cooperation between the signatory countries in order to conserve wild flora and fauna and their natural habitats and to protect endangered migratory species.
- Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora – **Habitats Directive**, which has applied since June 1992 (OJ L 206, 22.7.1992, pp. 7-50). It seeks to contribute to ensuring biodiversity in the European Union by the conservation of natural habitats, and wild fauna and flora species. It sets up the ‘Natura 2000’ network, the largest ecological network in the world. Natura 2000 comprises special areas of conservation designated by EU countries under this directive.
- Directive 2009/147/EC on the conservation of wild birds – **Birds Directive**, which is the newest version of Directive 79/409/EEC from April 1979 (OJ L 20, 26.1.2010, pp. 7-25). It seeks to conserve all wild birds in the EU by setting out rules for their protection, conservation, management, and control. EU countries must take action to maintain or restore the populations of bird species to a level which is in line with ecological, scientific, and cultural requirements, while taking into account economic and recreational needs.

Appendix A - Marine Mammal Mitigation Review

Appendix B - Ornithology Mitigation Review