



Projekt Ochrony  
Przeciwpowodziowej  
w Dorzeczu Odry i Wisły

## PUBLIC CONSULTATIONS CONDUCTED IN CORRESPONDENCE FORM

LAND ACQUISITION AND RESETTLEMENT  
ACTION PLAN (LA&RAP) FOR THE WORKS  
CONTRACT 3A.5 DEVELOPMENT OF A  
FLOOD GATE AT THE LEFT FLOOD  
EMBANKMENT IN THE AREA OF WATER  
INTAKES FOR THE SENDZIMIRA STEEL  
MILL IN CRACOW

STATE WATER HOLDING POLISH WATERS  
REGIONAL WATER MANAGEMENT  
AUTHORITY IN CRACOW

04/08/2021



Fundusze  
Europejskie  
Infrastruktura i Środowisko



Rzeczpospolita  
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Państwowe  
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CEB  
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# Scope of the presentation

Odra-Vistula Flood Management Project  
Implementation Office in Cracow

1. Odra-Vistula Flood Management Project
2. What is the Land Acquisition and Resettlement Action Plan (LA&RAP)?
3. Description of the Works Contract 3A.5
4. Institutional, legal, and administrative conditions
5. Impact of the project
6. Legal bases for development of the LA&RAP
7. Mitigation measures
8. Temporary acquisition
9. Payment of compensation and appealing procedure



## OBJECTIVE OF THE PROJECT

The aim for implementation of the OVFMP is raising the level of flood protection for people living in selected areas of the Odra River Basin and the Upper Vistula River Basin, and institutional strengthening of governmental administration in the range of securing more efficient protection against summer floods and winter floods and rapid floods.

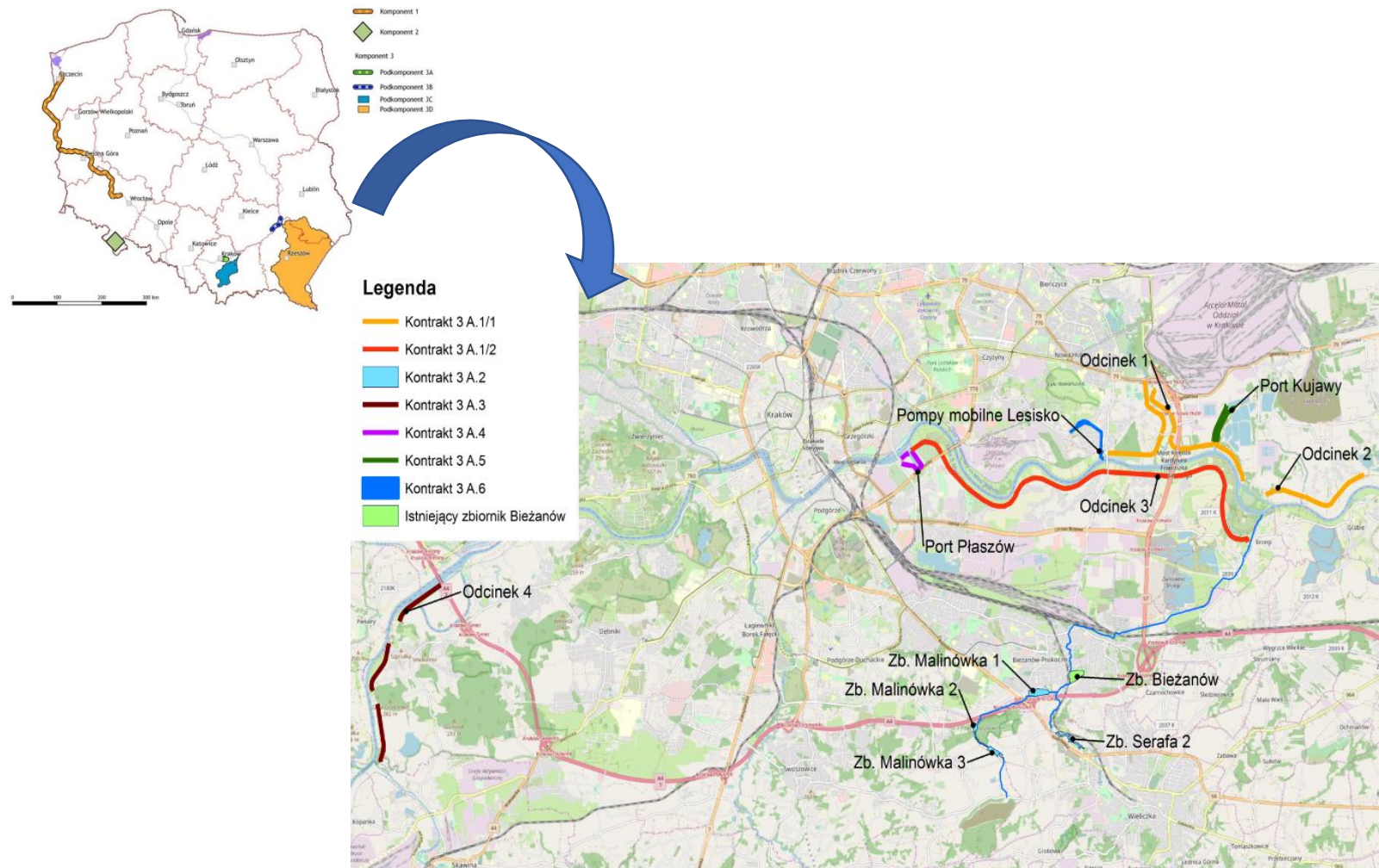
## FUNDING FOR THE OVFMP

- ✓ International Bank for Reconstruction and Development (World Bank)
- ✓ Council of Europe Development Bank (CEB)
- ✓ European Union's Cohesion Fund
- ✓ State Budget





# ODRA-VISTULA FLOOD MANAGEMENT PROJECT







## LAND ACQUISITION AND RESETTLEMENT ACTION PLAN (LA&RAP)

### What is the LA&RAP?

- ✓ The Land Acquisition and Resettlement Action Plan is a document required by the World Bank for projects financed / co-financed by the WB.
- ✓ According to the guidelines of the World Bank, the LA&RAP is applicable in cases of legally compliant expropriation or temporary / permanent restriction in the use of land.
- ✓ It is a document, which contains relevant mitigation measures and preventive measures planned for implementation. Acquisition of properties may form and strengthen social inequities, cause social exclusion, and result in durable damage to the environment. The planned measures are to prevent the occurrence / strengthening of such effects.



## LA&RAP DISCLOSURE PROCESS FOR THE WORKS CONTRACT 3A.5

### DRAFT LAND ACQUISITION AND RESTTLEMENT ACTION PLAN

has been made available for reviewing from 03/17/2021 at the following websites:

- ✓ PGW WP RZGW in Cracow
- ✓ City Office of Cracow
- ✓ Odra-Vistula Flood Management Project Coordination Office

The document shall be available for reviewing until the end of the period of consultations held in a correspondence form due to the epidemic threat in Poland. In that period one may file remarks and motions referring to the LAND ACQUISITION AND RESETTLEMENT ACTION PLAN for the Works Contract 3A.5 in writing and in an oral form – to the protocol – or in an electronic form.

After the period of disclosing the document for reviewing, on 04/08/2021 at 5:00 pm there will be a webinar open for all of the interested parties – link to the website allowing for attending the teleconference shall be published at the website of the PGW WP RZGW in Cracow: <https://krakow.wody.gov.pl/aktualnosci/konsultacje> 5 days prior to the planned date of teleconference.





## CHANGE OF THE INVESTOR

### ☐ Investor until **12/31/2017**

Małopolski Board of Amelioration and Water Structures in Cracow

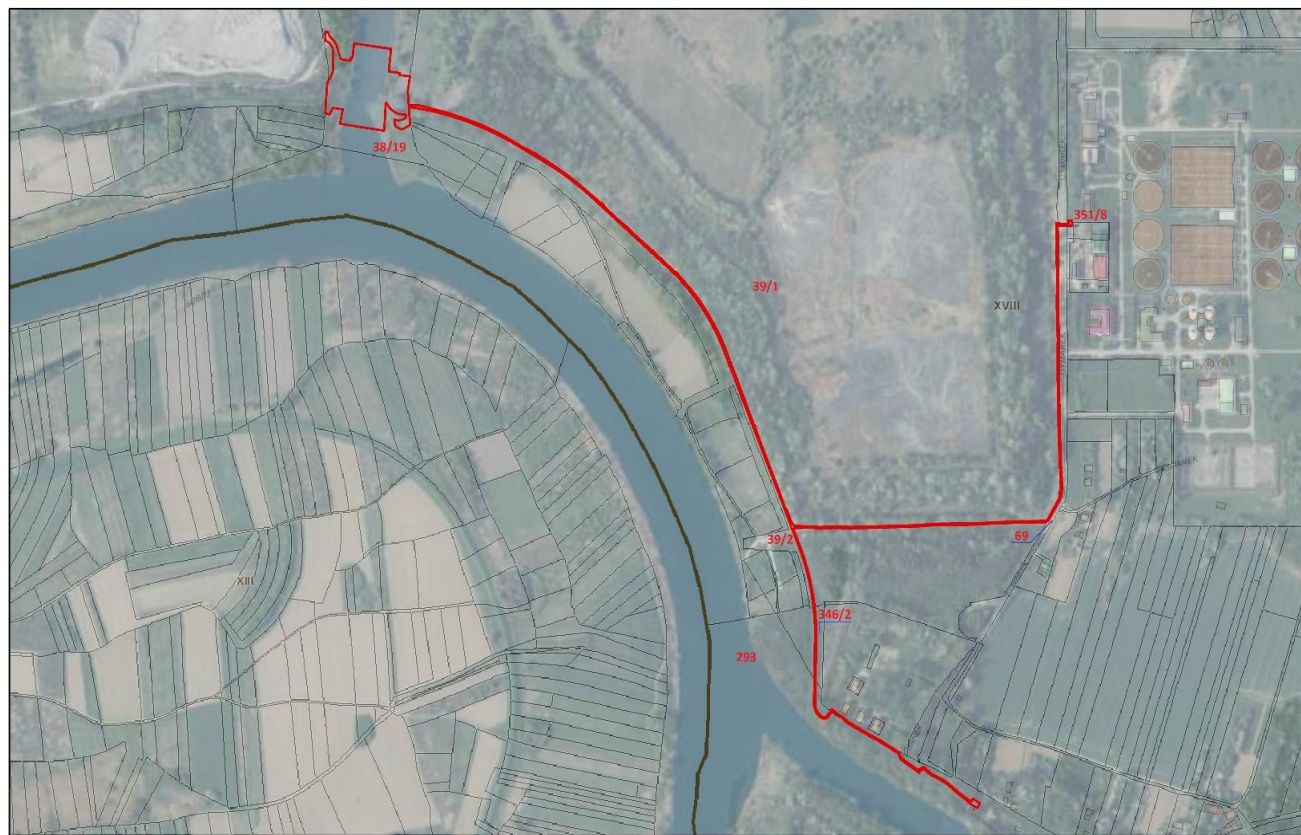
### ☐ Investor from **01/01/2018**

State Water Holding Polish Waters Regional Water Management  
Authority in Cracow





## LOCATION OF THE WORKS CONTRACT 3A.5



**Boundaries of the properties - Contract 3A.5 Development of a flood gate at the left flood embankment in the area of water intakes for the Sendzimira Steel Mill in Cracow**

### Legend

 Investment boundary

0 0,125 0,25 0,5  
km





## SCOPE OF WORKS UNDER THE WORKS CONTRACT 3A.5

### SCOPE OF WORKS

- ✓ Extension of the left Vistula embankment comprising widening, raising and elongation of the body and of the crest of the existing embankments, and joining them with the designed flood gate,
- ✓ Development of a retaining wall made of steel sheet-piles, stabilizing the slope of embankments to be extended on the Vistula River side, which would simultaneously perform the function of anti-seepage shutter,
- ✓ Development of a retaining wall made of steel sheet-piles stabilizing the slope of embankments to be extended – on the port basin side,
- ✓ Extension of the descent road from the embankment through raising, widening or adjustment of inclination,
- ✓ Development of a descent road from the embankment,
- ✓ Development of a flood gate – technically and functionally connected to the embankments to be extended – with a steel gate, including facilities necessary for proper operations; the works shall be carried out under cover of steel sheet-pilings performing the function of anti-seepage shutter,





## SCOPE OF WORKS UNDER THE WORKS CONTRACT 3A.5



### SCOPE OF WORKS - continuation

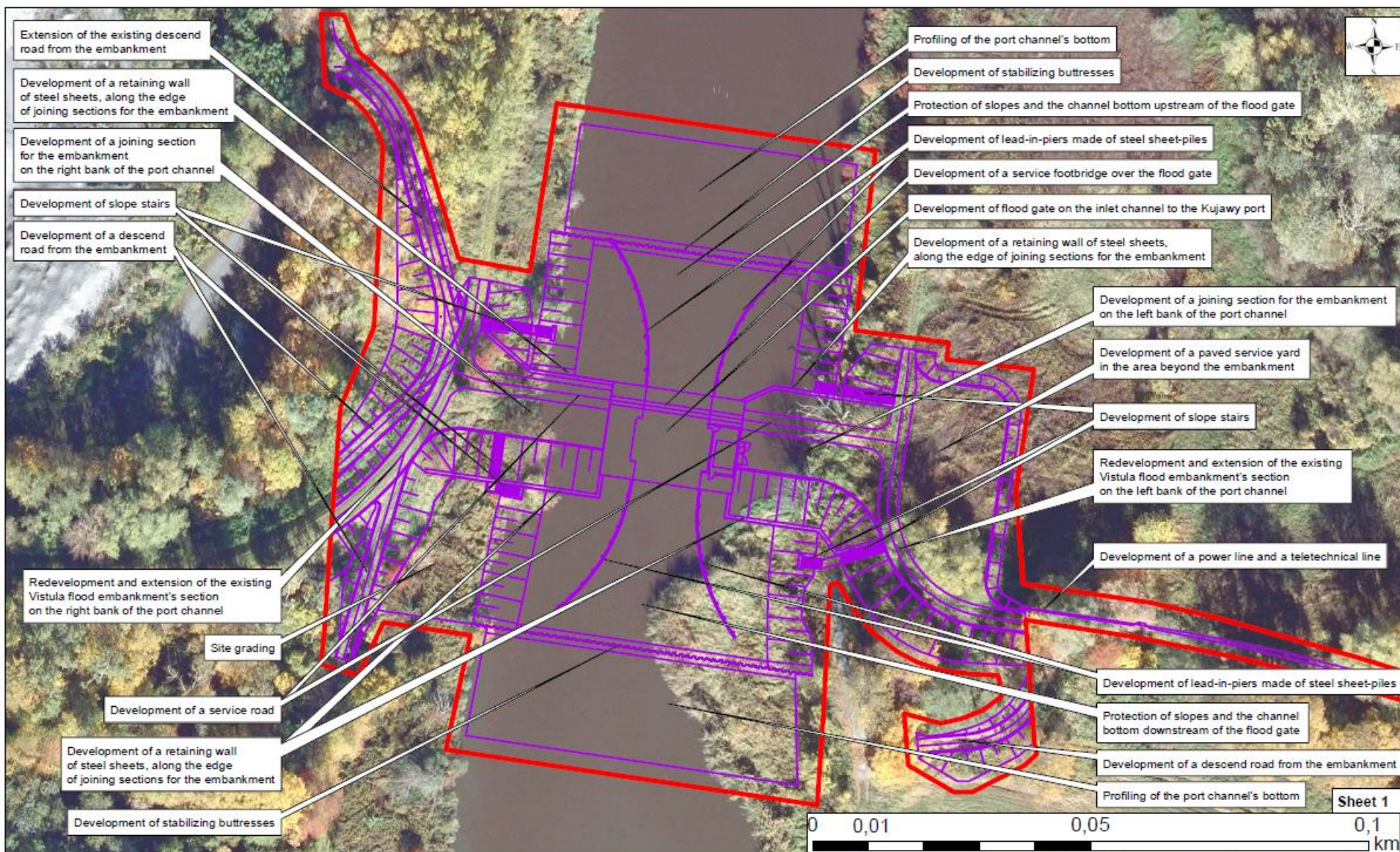
- ✓ Development of a service footbridge – performing the role of a service road - supported directly by a gate structure,
- ✓ Development of lead-in-piers – corresponding with the port channel's bank line - made of steel sheet-piles at the entrance to and at the exit from the flood gate,
- ✓ Development of a teletechnical network (optic-fibre line) from the flood gate to the control building at the Przewóz Barrage,
- ✓ Slope revetments for the transfer channel and for the discharge channel and for the adjoining bottom, using e.g. rip-rap, concrete slabs, and a buttress made of steel sheet-piles,
- ✓ Development of service roads on the crest of flood embankments to be extended,
- ✓ Logging of trees and shrubs within the investment area shall be limited to the necessary minimum,
- ✓ Development of paved service yards on both banks of the flood gate, including lighting,
- ✓ Development of protective barriers and fencing,
- ✓ Site grading for the embanked area / area beyond the embankment along the flood embankments to be extended and in the area of the flood gate.







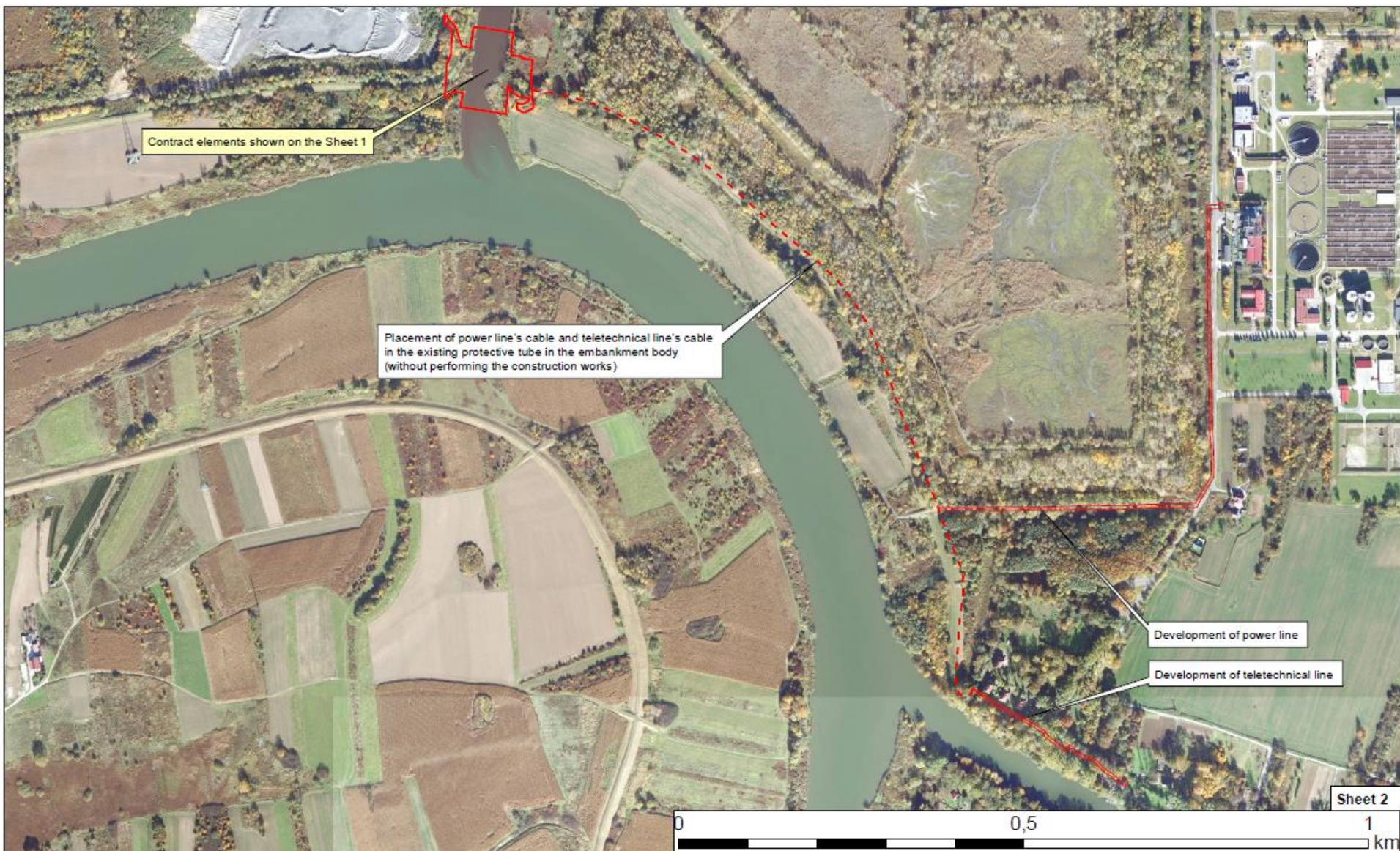
## SCOPE OF WORKS UNDER THE WORKS CONTRACT 3A.5







## SCOPE OF WORKS UNDER THE WORKS CONTRACT 3A.5







## DEVELOPMENT OF A FLOOD GATE AT THE LEFT FLOOD EMBANKMENT IN THE AREA OF WATER INTAKES FOR THE SENDZIMIRA STEEL MILL IN CRACOW

### Planned scope of land acquisition for the Works Contract 3A.5

|   | Total<br>volume of<br>hectares | Total<br>number<br>of plots | Public<br>plots | %     | Private<br>plots | %     | Oth<br>ers | %     | Physical<br>resettlements | Economic<br>resettlements |
|---|--------------------------------|-----------------------------|-----------------|-------|------------------|-------|------------|-------|---------------------------|---------------------------|
| Permanent<br>restriction in<br>the use                                  | 0.1866                         | 3                           | 1               | 33.3% | 1                | 33.3% | 1          | 33.4% | 0                         | 0                         |
| Disposal rights<br>to the<br>properties for<br>construction<br>purposes | 1.5181                         | 4                           | 1               | 25.0% | 2                | 50.0% | 1          | 25.0% | –                         | –                         |
| Summary   | 1.7047                         | 7                           | 2               | 28.6% | 3                | 42.9% | 2          | 28.5% | 0                         | 0                         |



## LEGAL BASES FOR DEVELOPMENT OF THE LA&RAP

**The most important legal acts associated with acquisition of rights to properties necessary for implementation of the Contract are as follows:**

- ☐ Constitution of the Republic of Poland of April 2, 1997;
  - ☐ Act of April 23, 1964 – Civil Code;
  - ☐ Act of July 8, 2010 on the special rules for preparation of flood protection investments;
  - ☐ Act of August 21, 1997 on the property management;
  - ☐ Act of June 14, 1960 – Administrative Procedure Code;
  - ☐ Act of July 20, 2107 – Water Law;
  - ☐ Regulation of the Council of Ministers of September 21, 2004 on the evaluation of properties and on the development of estimate studies;
- and
- ☐ World Bank's Operational Policy OP 4.12.



## OPERATIONAL POLICY - OP 4.12

### OP 4.12 Involuntary Resettlement – Operational Policy

It is a document containing main rules and procedures remaining a basis for the WB's approach to involuntary resettlement associated with investment projects.

Obligations resulting from the policy OP 4.12 are applicable, if implementation of the Project requires the following:

#### A. Involuntary acquisition of a property resulting in:

- a) Changing the place of residence or loss of living place,
- b) Loss of goods or access to goods,
- c) Loss of income sources or reduction of the standard of living.

B. Involuntary limitation of the access to parks and protected sites resulting in adverse impact on the standard of living in case of Project Affected Persons.



## MITIGATION MEASURES

1. Informing the parties about their rights (purchase of PR area upon the owner's application, EU subsidies and ARMA subsidies).

2. Organizational measures:

- ☐ Minimizing the area of sites that need to be acquired.
- ☐ Amount of compensation for lost properties shall be determined based upon estimate studies developed by certified assessors.
- ☐ Costs associated with implementation of mitigation measures for the impact shall remain Project costs.
- ☐ The property shall be handed over after collecting the crop, and in case of plots where farming is done in a given vegetation year for particular crop. If the crop would not be collected, a cash equivalent shall be paid.
- ☐ Any expropriated person shall be entitled to the use of land in the previous way free-of-charge until payment of compensation or (in case of not reaching an agreement on the level of compensation) its undisputable portion.
- ☐ Project Affected Persons shall be notified by the Employer about physical commencement of the works in such an advance that they will be able to complete management within the properties.





## TEMPORARY ACQUISITION

Due to implementation of the Contract it may be necessary to acquire properties for the purpose of temporary acquisition, beyond the acquisition determined in the IPIP. The range and final locations of such temporary acquisitions shall be established after selection of the Contractor.

The Contractor shall – at its own effort and at its own cost – obtain the area for the purpose of temporary acquisition. While negotiating the conditions for temporary acquisition of properties, the Contractor shall observe the rules determined in this LA&RAP (the process shall be implemented on a voluntary basis and based upon the rules established in a statement of consent (agreement)).

After completion of the works the properties shall be restored to their previous status and returned in a good condition.





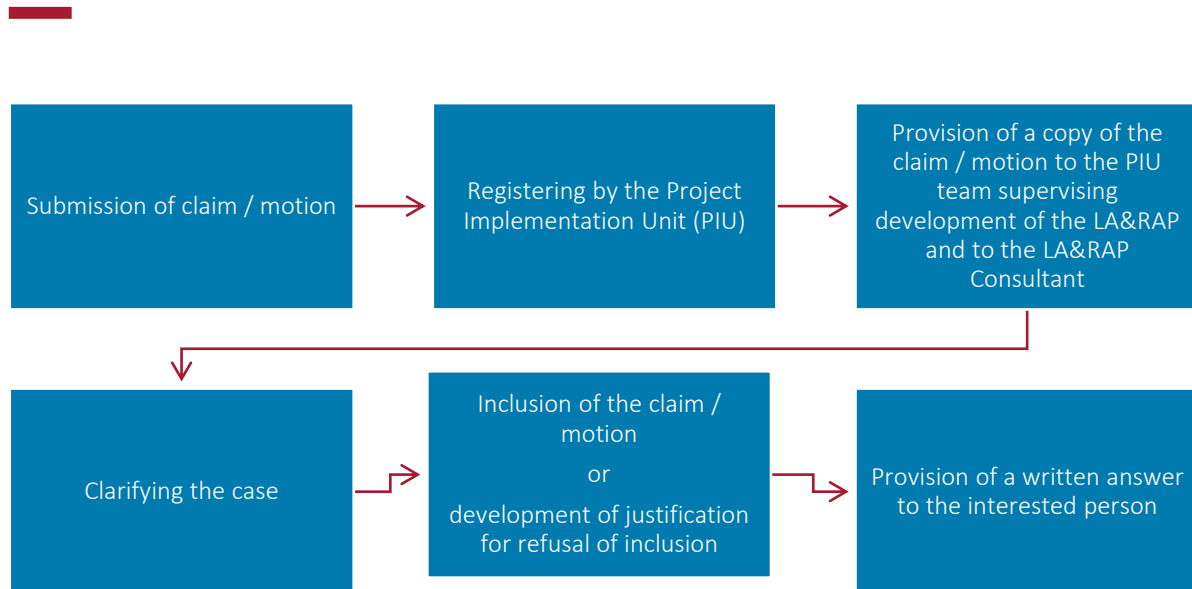
## COMPLIANCE OF THE MEASURES WITH THE WORLD BANK'S OPERATIONAL POLICY – ACCESS TO FAIR APPEALING PROCEDURE

### **Compliance of measures with OP 4.12 on the stage of establishing and payment of compensation:**

- ☐ The interested parties shall be informed about vested rights, and especially about a possibility of applying for the purchase of PR area.
- ☐ Another rule applied at implementation of this LA&RAP is securing that, if possible, the payment of compensation for PR shall be done prior to the commencement of construction works.



## PLAN OF GENERAL GRIEVANCE REDRESS MECHANISM





## PLAN OF GENERAL GRIEVANCE REDRESS MECHANISM

A claim or a motion may be filed by the party at one of the following three places:

*1. Directly in the main Project Office, which shall also perform a function of consultation point:*

AECOM Polska Sp. z o.o.,  
Odra-Vistula Flood Management Project Office  
1. Pokoju Alley, Building K1 – 4th floor, Cracow 31-548  
Mr. Tomasz Jankowski, tel. 505 028 137  
Mrs. Marta Rak, tel. 601 824 298

*2. Directly in the Employer's office:*

PGW WP RZGW in Cracow  
22. Marsz. Józefa Piłsudskiego Street  
31-109 Cracow

*3. Directly in the site office (address of that office shall be informed at the Investor's / PGW WP website).*



