



02/09/2021



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.2/4 FLOOD PROTECTION IN SERAFA VALLEY – SERAFA 2 RESERVOIR

STATE WATER HOLDING POLISH WATERS  
REGIONAL WATER MANAGEMENT AUTHORITY  
IN CRACOW



Fundusze  
Europejskie  
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Rzeczpospolita  
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Państwowe  
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CEB  
CENTRALNA AGENCJA WODNA  
BUREAU DE DEVELOPPEMENT DES COURS DE L'EAU



# Scope of the presentation

Odra-Vistula Flood Management Project  
Implementation Office in Cracow

February 9, 2021

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.2/4
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.



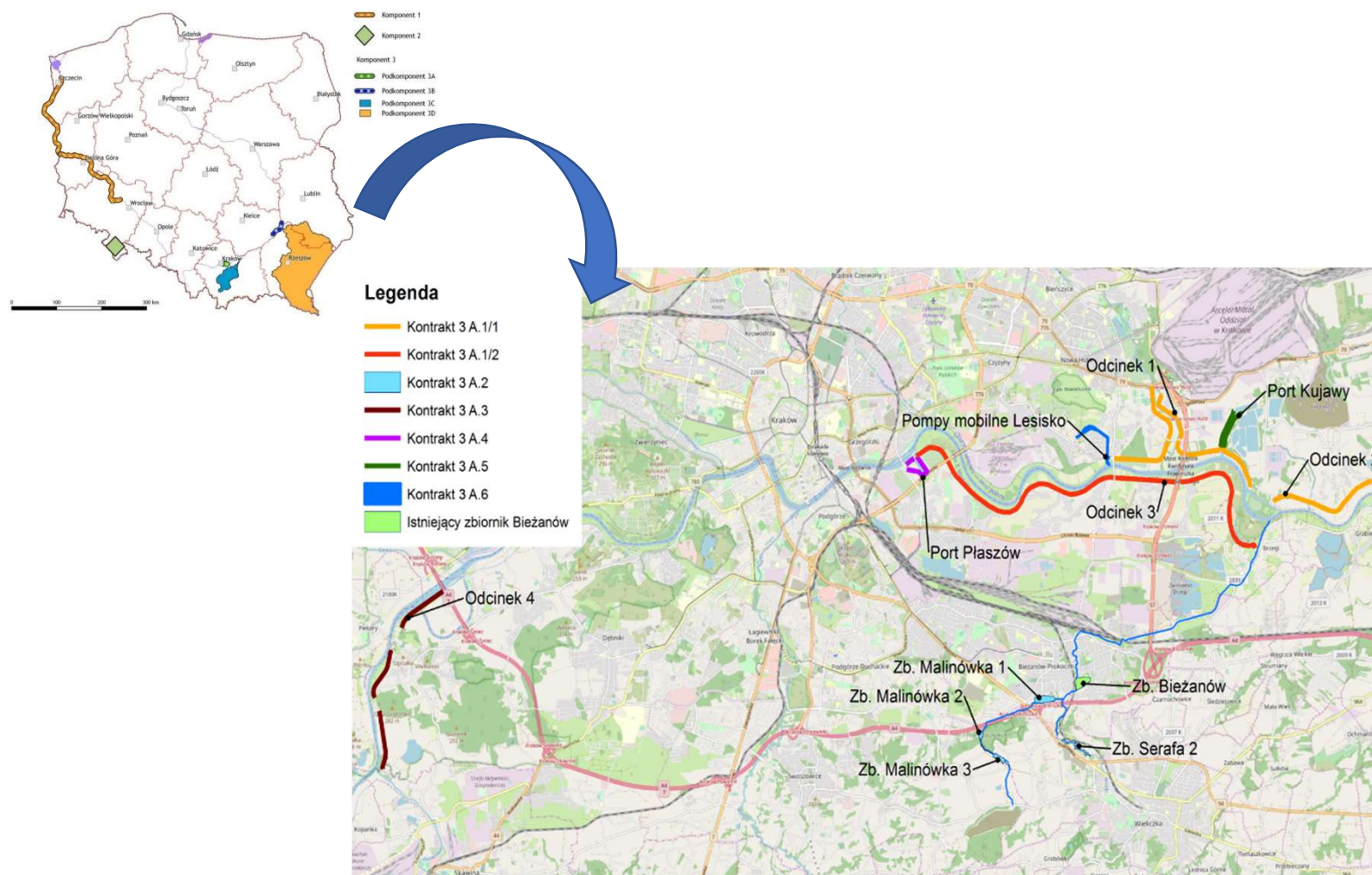
### FUNDING FOR THE OVFMP

- ✓ 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



February 9, 2021

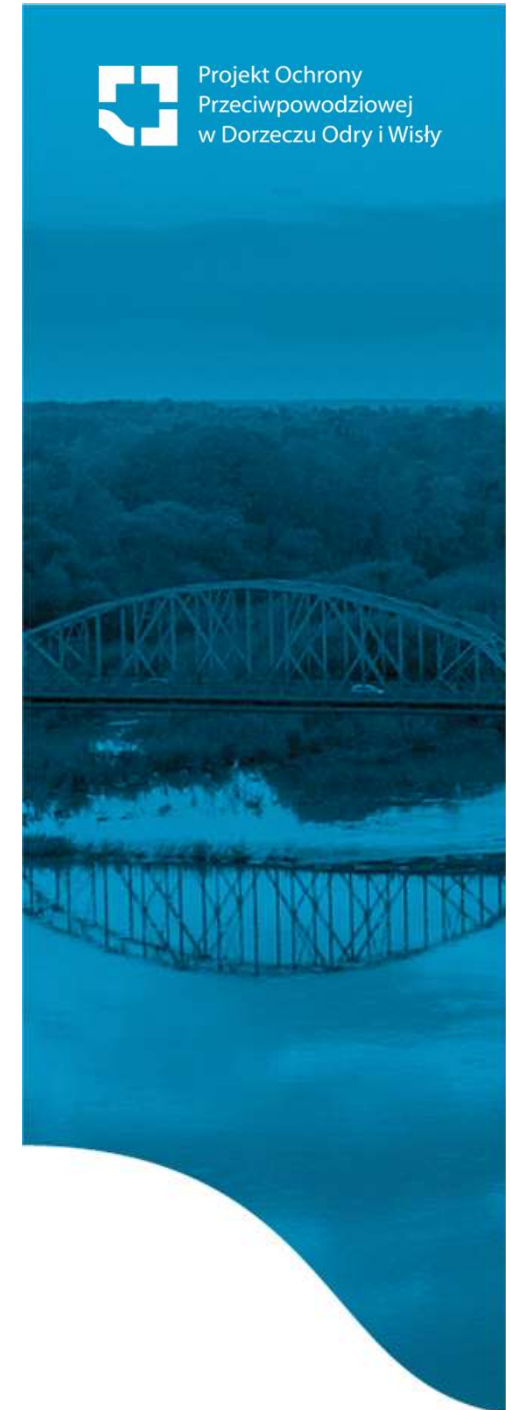




## LAND ACQUISITION AND RESETTLEMENT ACTION PLAN (LA&RAP)

### 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.2/4

### DRAFT LAND ACQUISITION AND RESTTLEMENT ACTION PLAN

has been made available for reviewing on 01/18/2021 at the following websites:

- ✓ PGW WP RZGW in Cracow
- ✓ Town and Commune Office of Wieliczka
- ✓ District Starosty in Wieliczka
- ✓ 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.2/4 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 02/09/2021 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

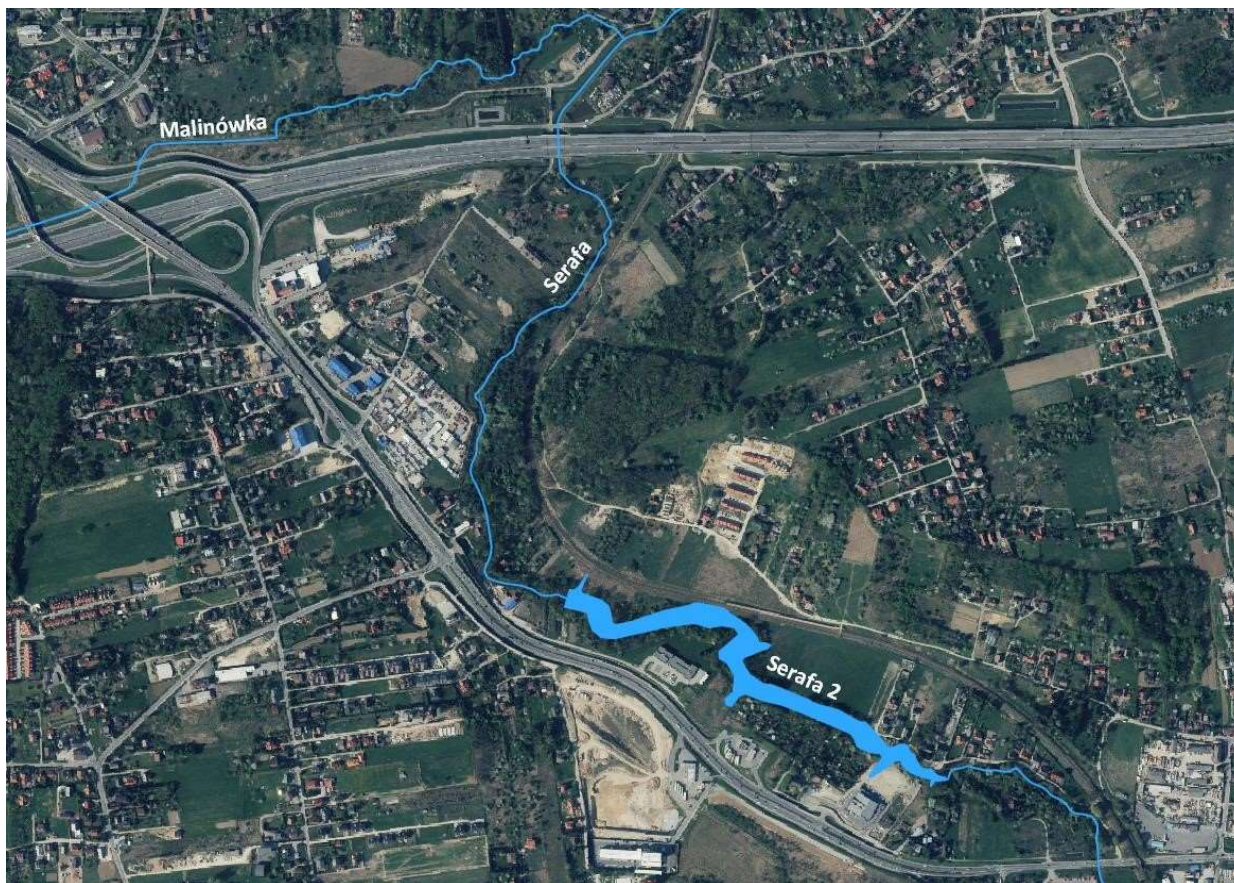
State Water Holding Polish Waters Regional Water Management  
Authority in Cracow







## LOCATION OF THE WORKS CONTRACT 3A.2/4



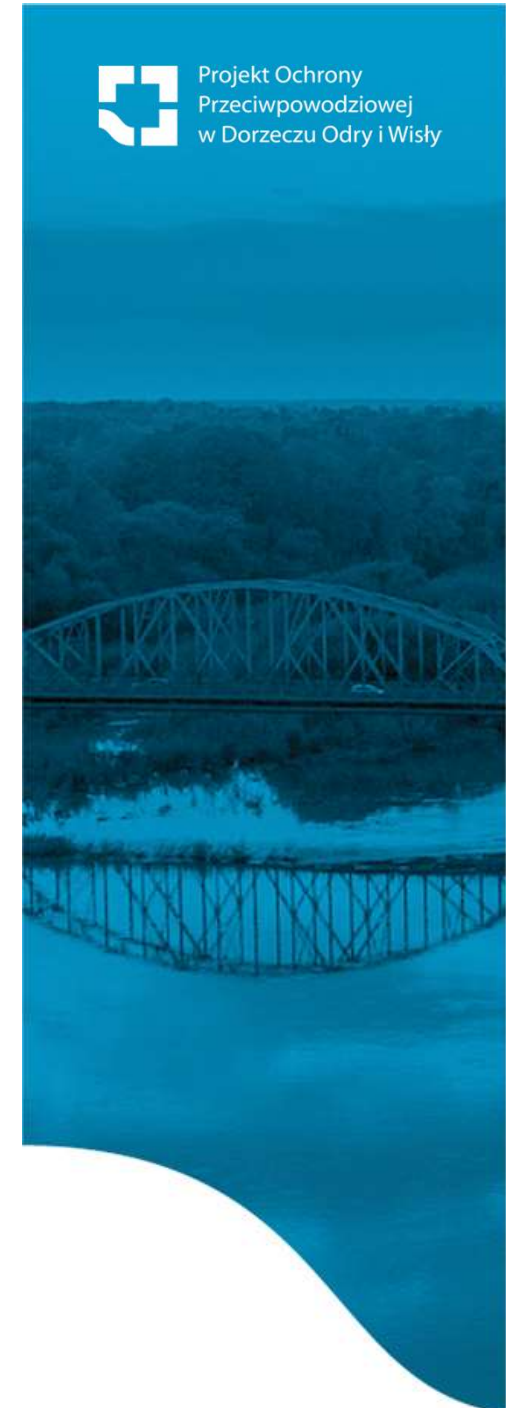




## SCOPE OF WORKS UNDER THE WORKS CONTRACT 3A.2/4

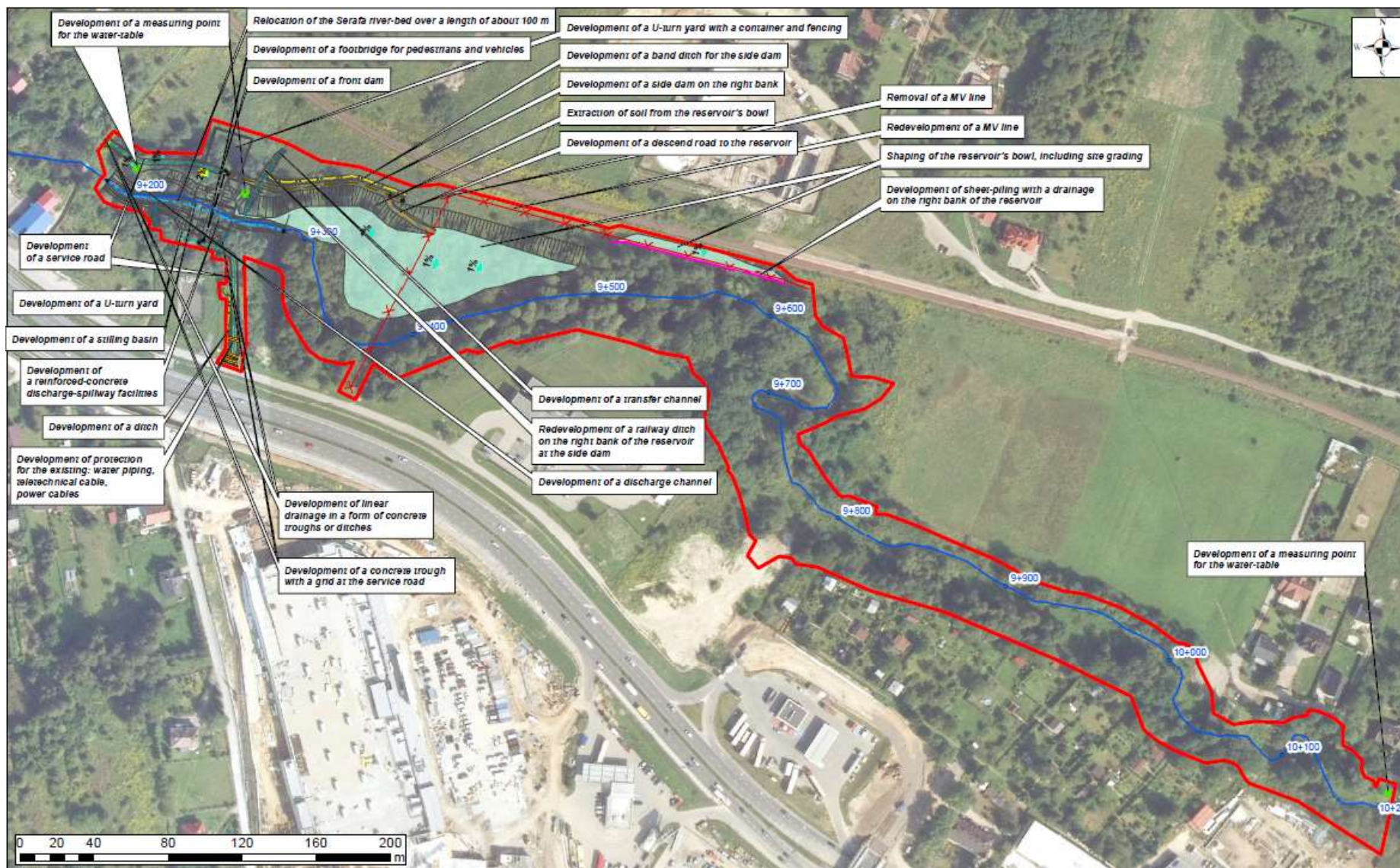
### SCOPE OF WORKS

- ✓ Development of an earth-fill front dam over a length of 40.0 m as a damming structure at km 9+223, with development of a side dam over a length of 97.0 m on the right river bank, including a draining ditch;
- ✓ Sealing of the dam body and of the subbase;
- ✓ Development of a reinforced-concrete discharge-spillway structure with a stilling basin;
- ✓ Development of a bridge (footbridge for pedestrians and vehicles) over the spillway-discharge facilities;
- ✓ Development of two descent roads to service roads leading to the front dam and to the reservoir's bowl, including U-turn yards;
- ✓ Development of culverts underneath service roads;
- ✓ Development of a linear drainage;
- ✓ Shaping of the reservoir's bowl and its grading, including descent roads to the reservoir;
- ✓ Extraction of ground from the reservoir's bowl with application for the development of the front dam and the side dam;
- ✓ Relocation of the Serafa River Bed over a length of about 100 m in the area of the spillway-discharge facilities;
- ✓ Development of measuring points for the water-table at the inlet to and the outlet from the reservoir;
- ✓ Partial development of new fences around objects of the reservoir;
- ✓ For the purpose of proper use of the reservoir and structures an area for three-meter-wide technological lane around object of the reservoir and its bowl shall be acquired, traffic of vehicles on the front dam's crest is not anticipated, traffic of vehicles on the side dam's crest is expected. The technological lane shall not be paved – after completion of the works it shall be top-soiled and sown with a mix of grass.





## SCOPE OF WORKS UNDER THE WORKS CONTRACT 3A.2/4





## FLOOD PROTECTION IN SERAFA VALLEY – SERAFA 2 RESERVOIR

### Planned range of land acquisition for the Works Contract 3A.2/4

	Total volume of hectares	Total number of plots	Public plots	%	Private plots	%	Others	%	Physical resettlements	Economic resettlements
Permanent acquisition	4.2737	25	5	20	19	76	1	4	0	0
Permanent restriction in the use	0.0860	2	2	100	0	0	0	0	0	0
Obligation to redevelop the existing land utilities	0.1719	4	2	50	2	50	0	0	—	—
Disposal rights to the properties for construction purposes	0.4103	1	1	100	0	0	0	0	—	—
Summary	4.9419	32	10	31.3	21	65.6	1	3.1	0	0





## IMPACT OF CONTRACT 3A.2/4

### ACQUISITION OF PROPERTIES

Among aforementioned **32 properties**, 10 plots are public plots, including **5** owned by the State Treasury and **5** owned by Units of Local Authorities (Commune of Wieliczka), **21 plots are owned by 31 private persons**. The category „Others” contains 1 plot with unsettled legal status (mortgage unit).

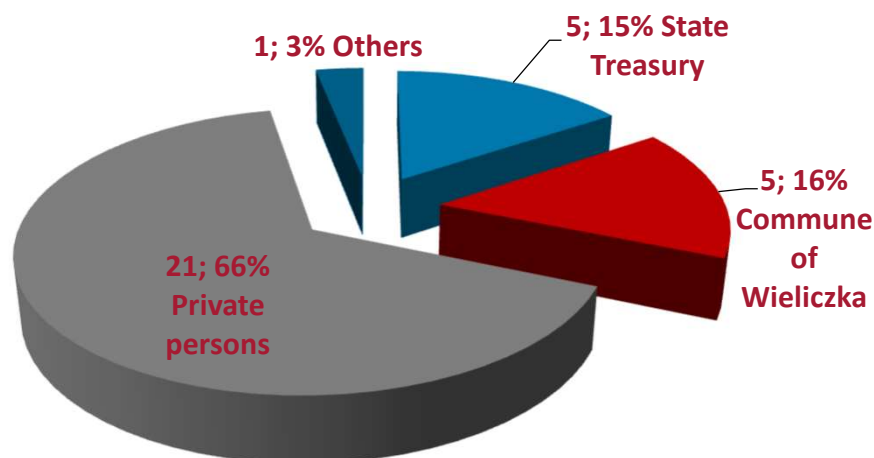


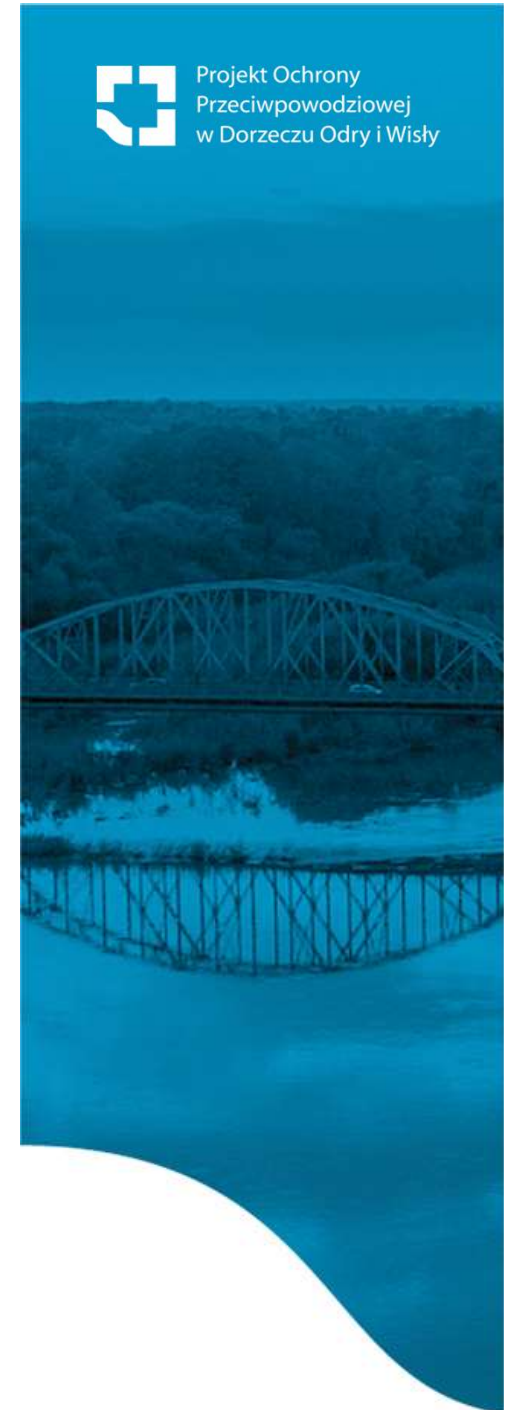
Diagram: Ownership structure for plots covered by the investment (permanent acquisition, permanent restriction in the use, properties with obligation to redevelop the existing networks, disposal rights to properties for construction purposes)



## 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, 2017 – 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

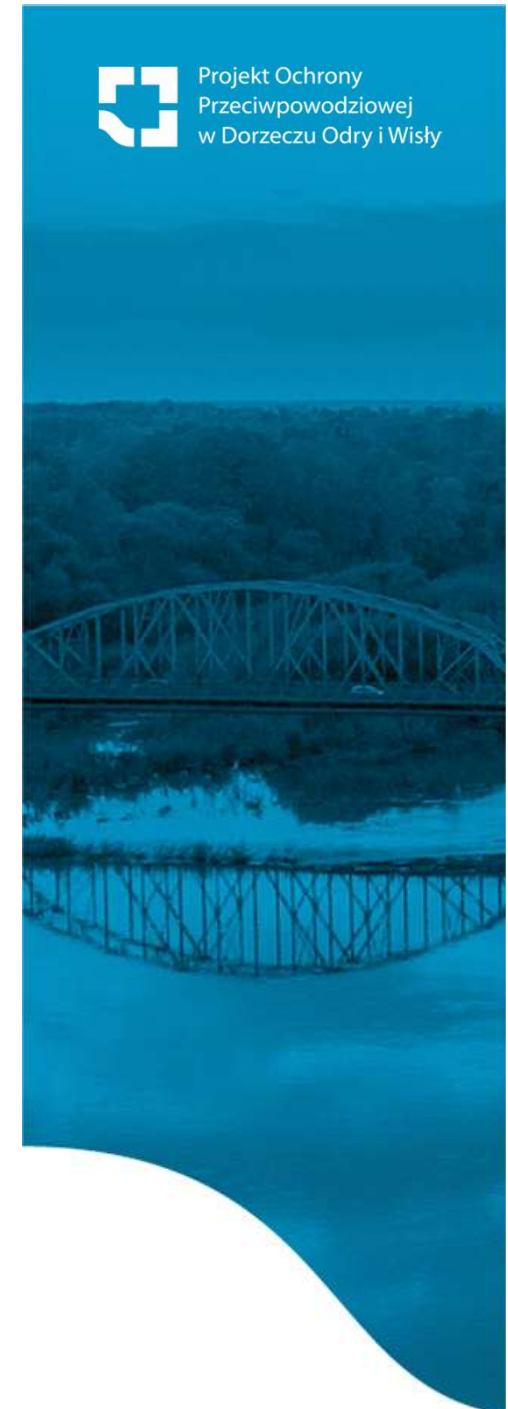
It is a document containing main rules and procedures remaining a basis for the WB's approach to involuntary resettlement associated with investment projects.

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 remnants, EU subsidies and ARMA subsidies, 5% bonus).

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.



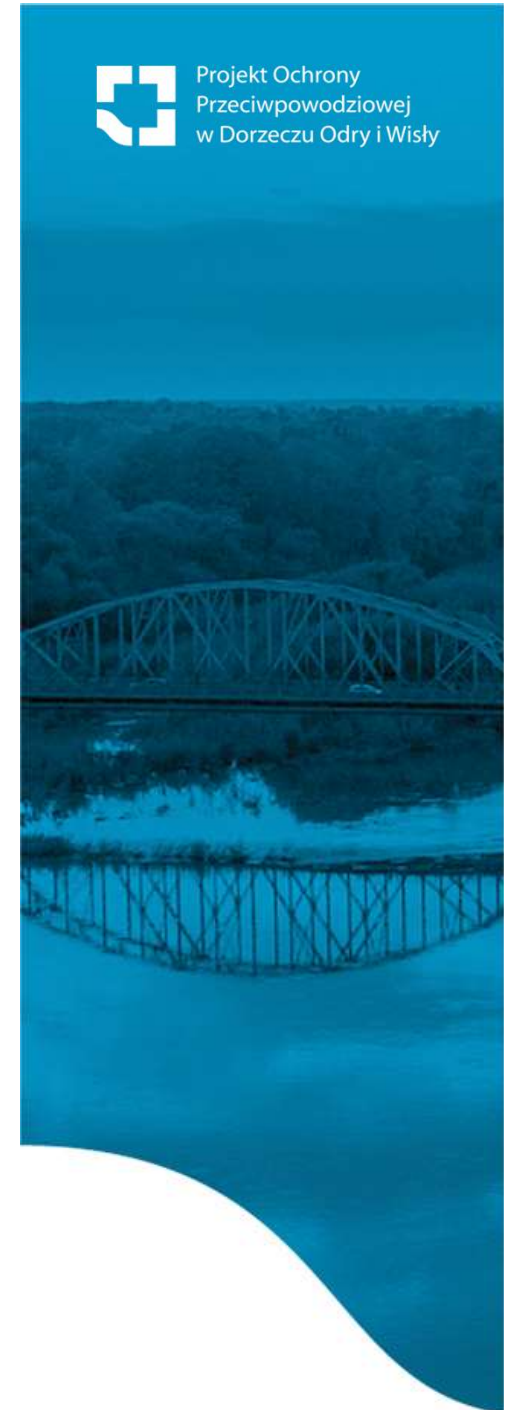


## TEMPORARY ACQUISITION

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.





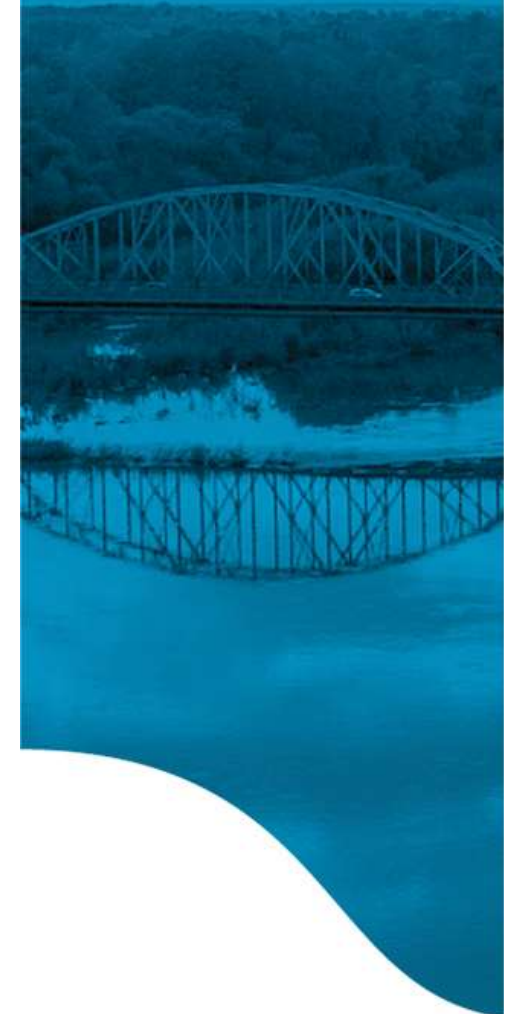
## PAYMENT OF COMPENSATION

### WHEN WILL THE PURCHASE PROCEDURE FOR THE PROPERTIES FOR THE PURPOSE OF INVESTMENT IMPLEMENTATION START?

The procedure shall start at the moment the IPIP Decision approves splitting of the properties and determined plots that shall legally become ownership of the State Treasury, and that is on the day the decision becomes final.

#### NOTE:

Compensation for the acquired properties is vested in former owners, perpetual lessees, and holders of restricted property rights. The amount of compensation paid to former owners is reduced by the value of restricted property rights established for the properties and vested in third parties, e.g. banks, due to established mortgage.



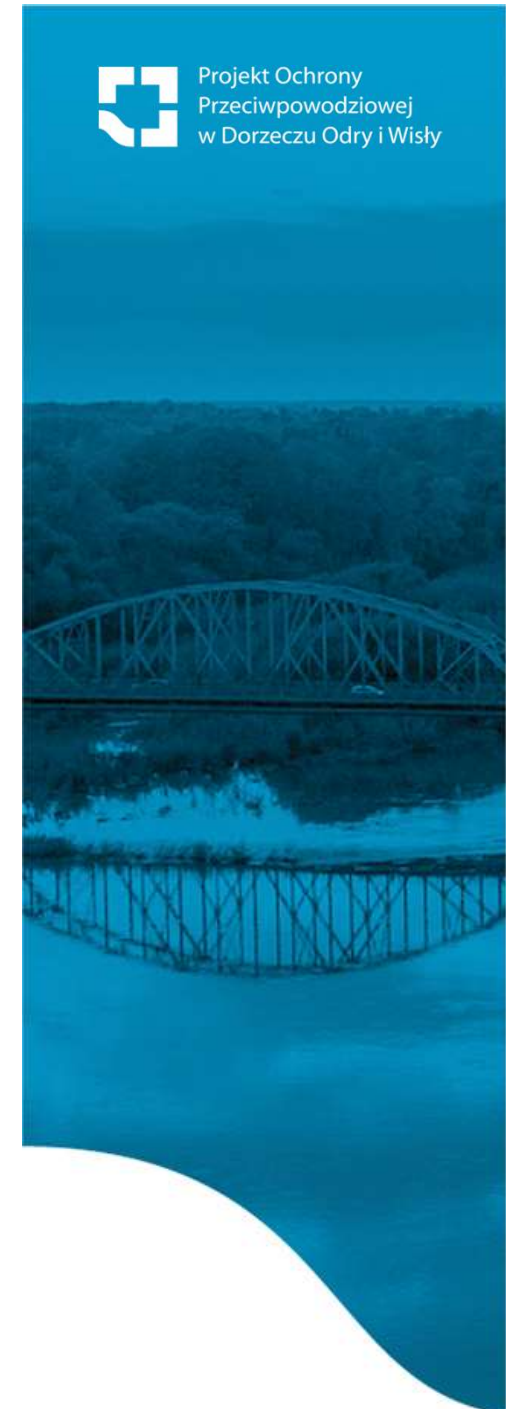




## COMPLIANCE OF THE MEASURES WITH THE WORLD BANK'S OPERATIONAL POLICY – ACCESS TO FAIR APPEALING PROCEDURE, PAYMENT OF COMPENSATION PRIOR TO THE COMMENCEMENT OF WORKS

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

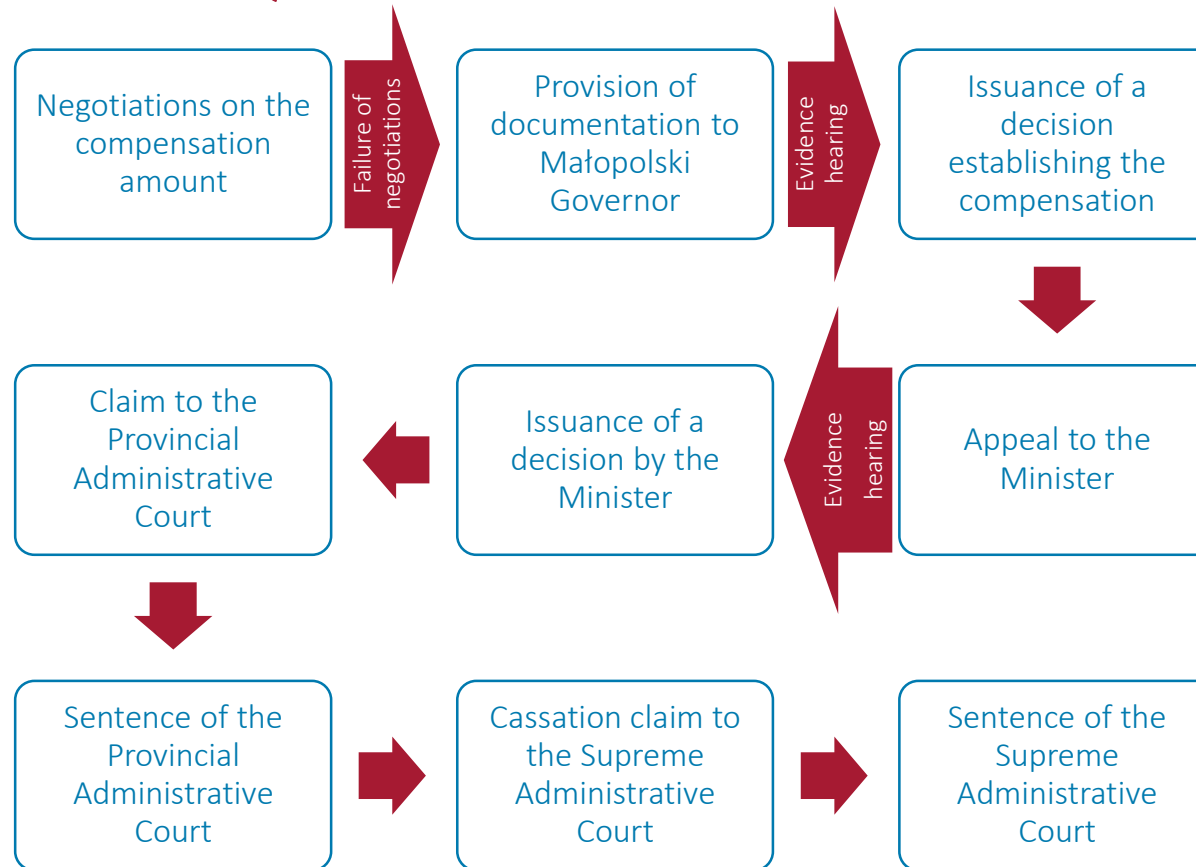
- ☐ Within 2 months from the day the IPIP decision becomes final, the Investor shall conduct negotiations referring to establishment of the compensation amount for the properties acquired on behalf of the State Treasury (a basis for those establishments shall be the amounts indicated by assessors in estimate studies).
- ☐ If an agreement on the compensation amount would not be reached within 2 months from the day of issuing the final IPIP, the amount shall be established by the Małopolski Governor in a decision.
- ☐ Prior to the issuance of the decision the governor appoints an independent expert – assessor.
- ☐ The interested parties shall be informed about vested rights, and especially about a possibility of appealing to the Minister and to Courts, and about a possibility of receiving an undisputable portion of the compensation.
- ☐ Another rule applied at implementation of this LA&RAP is securing that the payment of compensation for legally expropriated properties shall be done prior to the commencement of construction works.





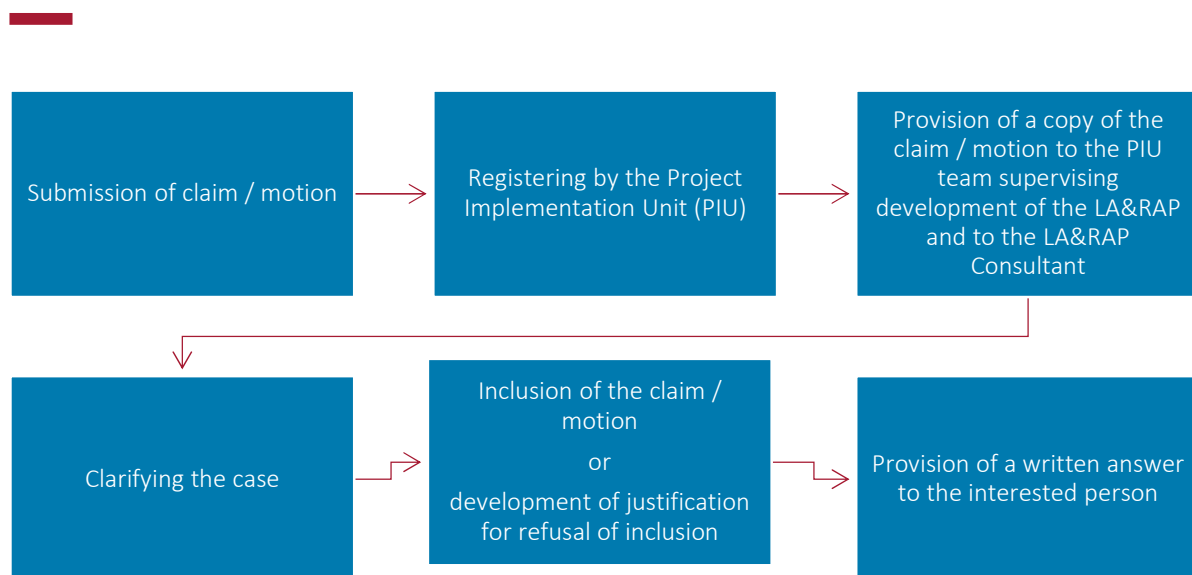
## COMPLIANCE OF THE MEASURES WITH THE WORLD BANK'S OPERATIONAL POLICY – ACCESS TO FAIR APPEALING PROCEDURE, PAYMENT OF COMPENSATION PRIOR TO THE COMMENCEMENT OF WORKS

### PERMANENT ACQUISITION





## 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).*





