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State Water Holding Polish Waters  
Regional Water Management Authority in Cracow



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# **Public consultations held in correspondence mode for the Draft Land Acquisition and Resettlement Action Plan (LA&RAP) for Contract 3D.2/2**

*Expansion of the left and right embankment of the Biala River in the  
Tarnów Municipality and the City of Tarnów*

Fot. K. Szczepanek – Archiwum RZGW w Krakowie

## **Odra-Vistula Flood Management Project**



## Contents of the Presentation

1. Odra-Vistula Flood Management Project
2. What is the Land Acquisition and Resettlement Action Plan (LA&RAP)?
3. Description of Contract 3D.2/2
4. Institutional, legal, and administrative conditions
5. Project impact
6. Legal basis for implementation of the LA&RAP
7. Mitigation measures
8. Temporary acquisition
9. Payment of compensation and appeal procedure





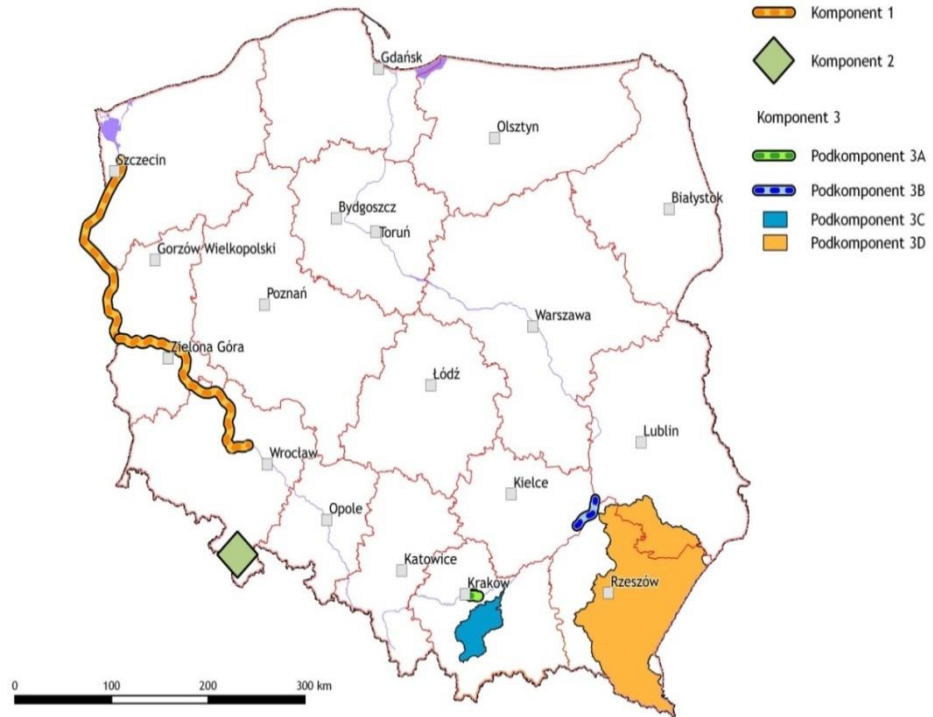
# Odra-Vistula Flood Management Project (OVFMP)

## □ Aim of the Project

The purpose for implementing the OVFMP is enhancement of the flood protection level for people living in selected areas of the Odra river-basin and of the Upper Vistula river-basin, and institutional strengthening of governmental administration in the range of securing more efficient protection against summer 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





## ☐ What is the LA&RAP?

- ✓ 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 World Bank's guidelines, the LA&RAP is applied in case of expropriation or temporary / permanent restriction in the use of land, in accordance with the law.
- ✓ It is a document, in which relevant mitigation and preventive measures shall be planned for implementation. Acquisition of properties may generate and strengthen social inequities, cause exclusion, and result in permanent environmental damage. The planned measures are to prevent occurrence/strengthening of such effects.



**LAND ACQUISITION AND RESETTLEMENT ACTION PLAN** has been made available for review from 03/25/2020 at the following websites:

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

The document shall be available for review until completing the period of consultations held in a correspondence form due to the epidemic threat in Poland.

In that time one may provide remarks and motions to the LAND ACQUISITION AND RESETTLEMENT ACTION PLAN for Contract 3D.2/2 in writing or in an oral form to the protocol, or in a digital form.

**Detailed contact data has been given in the announcement provided**



**Contract 3D.2/2** *Expansion of the left and right embankment of the Biala River in the Tarnów Municipality and the City of Tarnów*

## CHANGE OF THE INVESTOR

☐ Investor until **12/31/2017**

Małopolski Board of Amelioration and Water  
Structures in Cracow

☐ Investor from **01/01/2018**

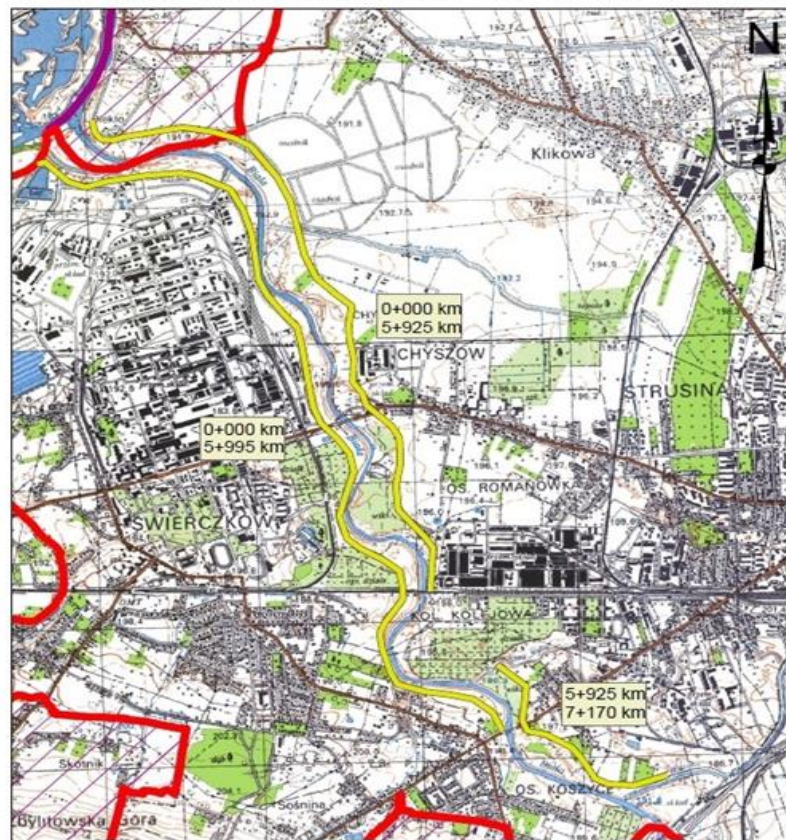
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The scope of works for Contract 3D.2/2 comprises the following main works:

- Extension of bodies of the existing embankments at the River Biała (over a length of about 12.470 km, including the left embankment – about 5.995 km, and the right embankment – about 6.475 km), located in the City of Tarnów, in the locality of Biała, Commune of Tarnów, and in a small section of few metres (about 8 m) in the locality of Komorów, Commune of Wierzchosławice, District of Tarnów;
- Construction of new sections of embankments and elements of structures stabilizing bodies of the existing embankments:
  - development / extension of the left embankment section in its final part over a length of about 80 m, and joining it with the existing road embankment at Krakowska Street,
  - development of the right embankment section, which simultaneously forms a backwater embankment for the Wątok Stream over a length of about 470 m;
- Redevelopment / extension of accompanying facilities' elements.

Detailed information provided in Chapter  
4.1 of the Draft LA&RAP

*Expansion of the left and right embankment of the Biala River in the Tarnow Municipality and the City of Tarnow*



**Legend**

— Embankment crest  
Tarnów Commune  
City of Tarnów

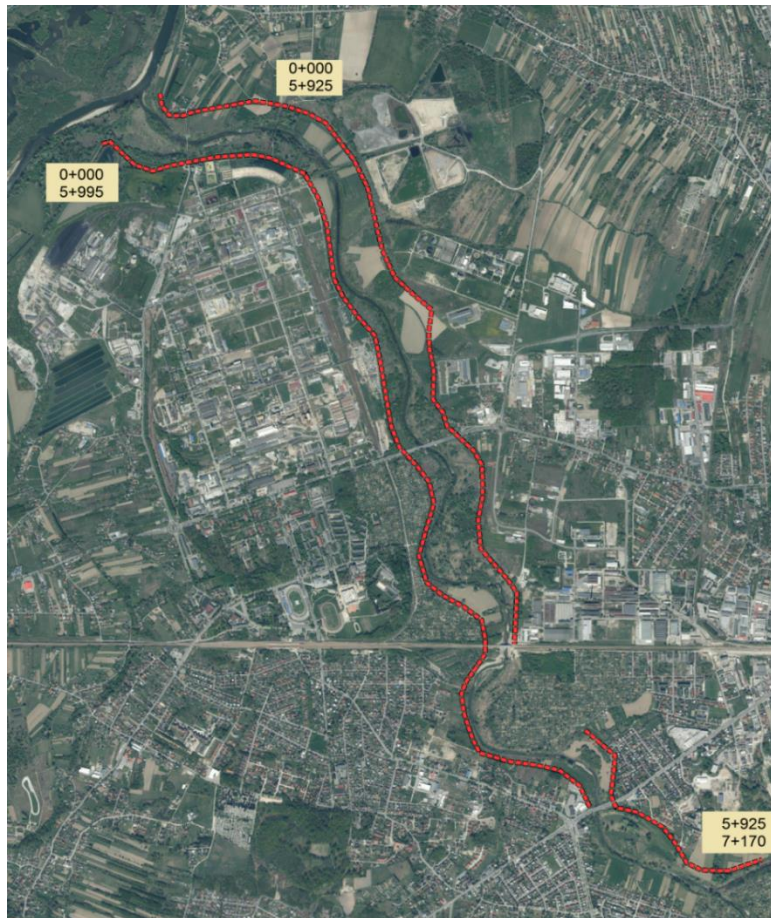
## Location of Contract 3D.2/2





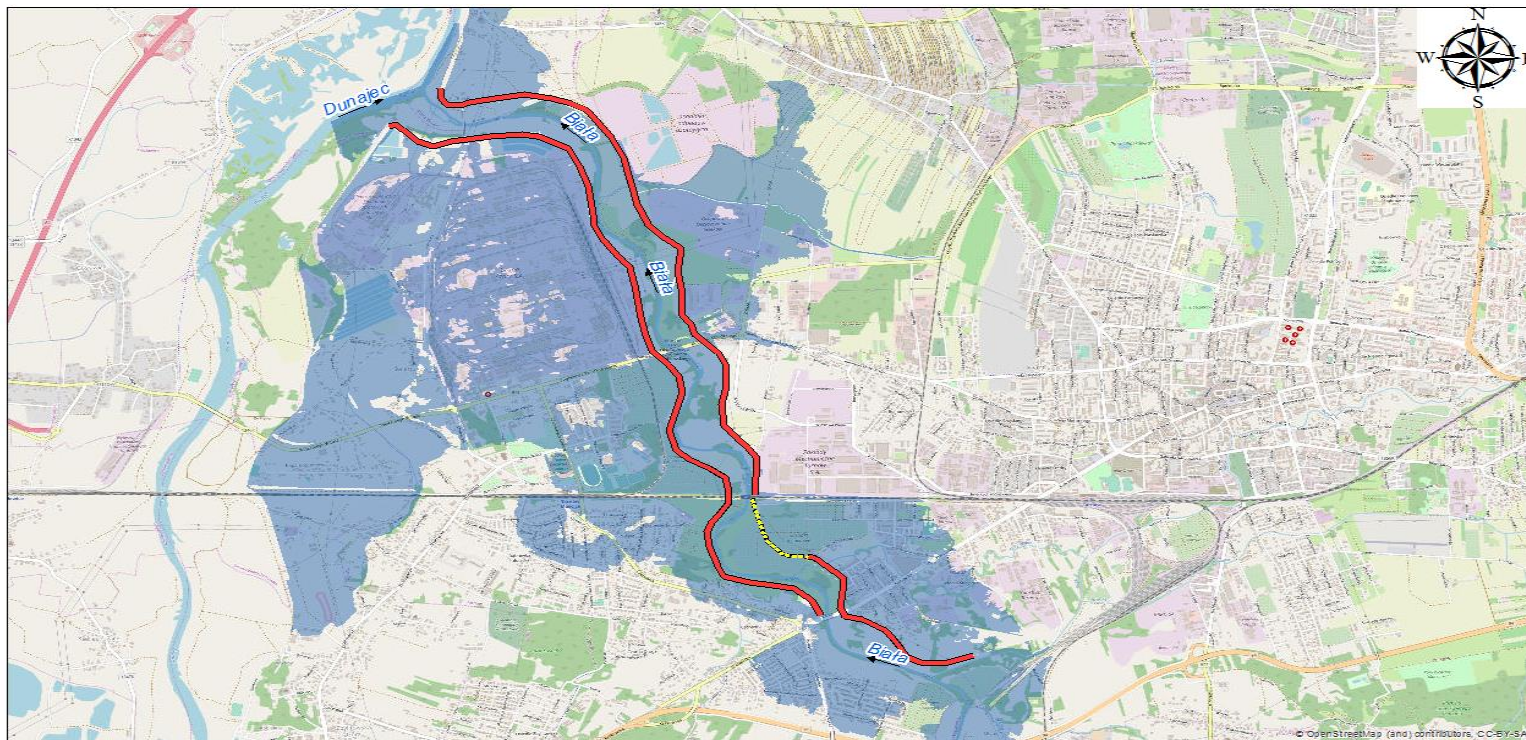
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## Location of Contract 3D.2/2 in reference to ortho-photo map





## Map with location of Contract 3D.2/2 in reference to potential flood threat areas



### Legenda

- Contract 3D.2/1
- Crest of modernized embankments
- Area of potential flood hazard

Contract 3D.2/1 Expansion of the left and right embankment of the Biala River in the Tarnow Municipality and the City of Tarnow

0 1 2km

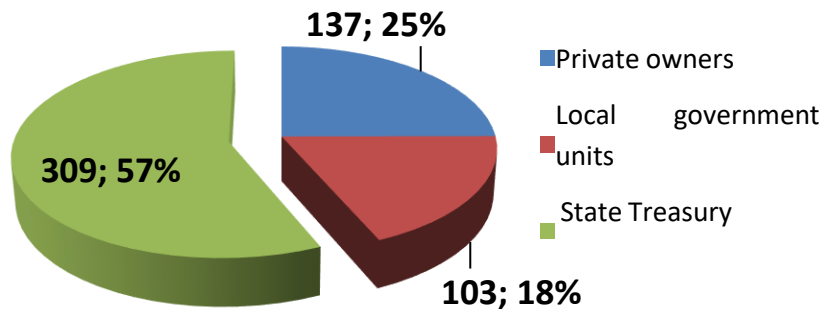


## Range of land acquisition for Contract 3D.2/2

	Total number of hectares	Total number of plots	Public plots	%	Private plots	%	Physical resettlement	Economic resettlement
Permanent acquisition	29.0345	495	362	73	133	27	0	0
Permanent restriction in use	1.1954	38	38	100	0	0	0	0
Performance basing upon disposal rights to properties for construction purposes	0.0067	2	1	50	1	50	Not applicable	Not applicable
Obligation to redevelop existing land utilities	0.0677	14	11	79	3	21	Not applicable	Not applicable
Total	30.3043	549	412	75	137	25	0	0

In case of Contract 3D.2/2 there are no physical and economic resettlements

Among 549 properties, 137 plots are owned by 220 private persons, and 412 plots are public plots, including 309 owned by the State Treasury (administered by the Mayor of Tarnów or by KOWR), and 103 owned by the Local Authorities' Units.



**Diagram: Ownership structure for plots under the analysis (permanent acquisition, permanent restrictions in the use, obligatory redevelopment of utilities, disposal rights to properties for construction purposes) – number of plots**

Detailed information provided in Chapter 7.3 of the Draft 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,
- ☐ The Law of April 23, 1964 – Civil Code,
- ☐ The Law of July 8, 2010 on specific terms of preparing for implementation of projects in the scope of flood protection facilities,
- ☐ The Law of August 21, 1997 on the Properties Management,
- ☐ The Act of June 14, 1960 – Code of Administrative Procedure,
- ☐ The Act of July 20, 2017 – Water Law,
- ☐ Regulation of the Council of Ministers of July 14, 2011 amending the regulation on the evaluation of properties and development of estimates;

and

- ☐ World Bank's Operational Policy OP 4.12.



**OP 4.12 Involuntary Resettlement** — an **operational policy** containing the main principles and procedures which constitute the basis for the WB approach to involuntary resettlement related to investment projects.

Obligations arising from OP 4.12 are applicable, if Project implementation requires the following:

- A. involuntary real property acquisition resulting in:
  - a. relocation or loss of shelter;
  - b. loss of assets or access to assets;
  - c. loss of income sources or lowering the standard of quality of life.
- B. involuntary restriction of access to legally designated parks and protected areas resulting in adverse impacts on the quality of life of Project Affected Persons.

1. Informing the parties about their rights (purchase of remnants, EU and ARMA subsidies, 5% bonus)
2. Organizational measures:
  - ☐ Minimization of areas of land to be necessarily acquired.
  - ☐ Amount of compensation for lost properties shall be determined based upon estimate studies developed by certified valuers.
  - ☐ Costs associated with implementation of measures mitigating the impact shall remain the Project cost.
  - ☐ Release of the properties shall be done after collection of crop in case of plots, where farming is done, in a given vegetation year for a given crop. If the crop would not be collected, cash equivalent shall be paid.
  - ☐ Every person expropriated shall be entitled to use the land free of charge in a previous way until the compensation or (in case agreement on the compensation amount would not be reached) its undisputable part is paid.
  - ☐ Project Affected Persons shall be notified by the Employer about the physical commencement of the works in such an advance that they will be able to complete management upon the properties.

The range and target locations of temporary acquisition – beyond the acquisition determined in the IPIP – shall be determined after selection of the Contractor.

The Contractor shall on its own and at its own cost obtain land for 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 based upon the rule of voluntarity and upon the rules determined in the consent (agreement)).

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

## **Compliance of measures with the World Bank's Operational Policy – access to a fair appeal 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 the compensation amount.

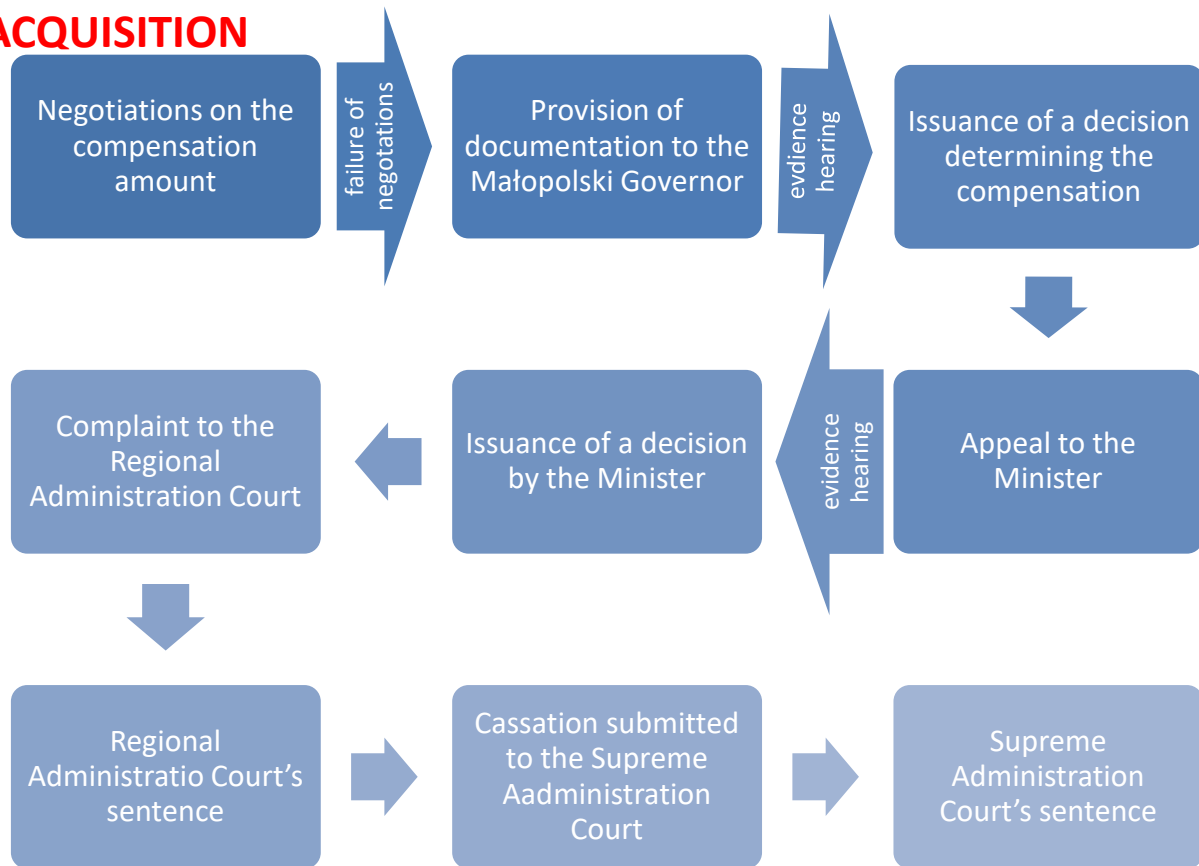
Within 2 months from the day the IPIP decision becomes final the Investor shall negotiate the amount of compensation for properties taken over on behalf of the State Treasury (a basis for those establishments shall be amounts indicated by assessors in estimate studies). If the agreement on the compensation amount is not reached within 2 months of the date the IPIP becomes final, the amount of compensation is determined by the Governor in a decision. Before issuing the decision, the Governor appoints an expert valuer. The interested parties shall be informed about their rights, and especially about the possibility of appealing to the Minister and to Courts, and about the possibility of getting undisputable part of the compensation.

Another rule applied at implementation of this LA&RAP is assurance that payment of the compensation for the legally expropriated properties or permanently restricted use shall be done prior to the commencement of construction works.



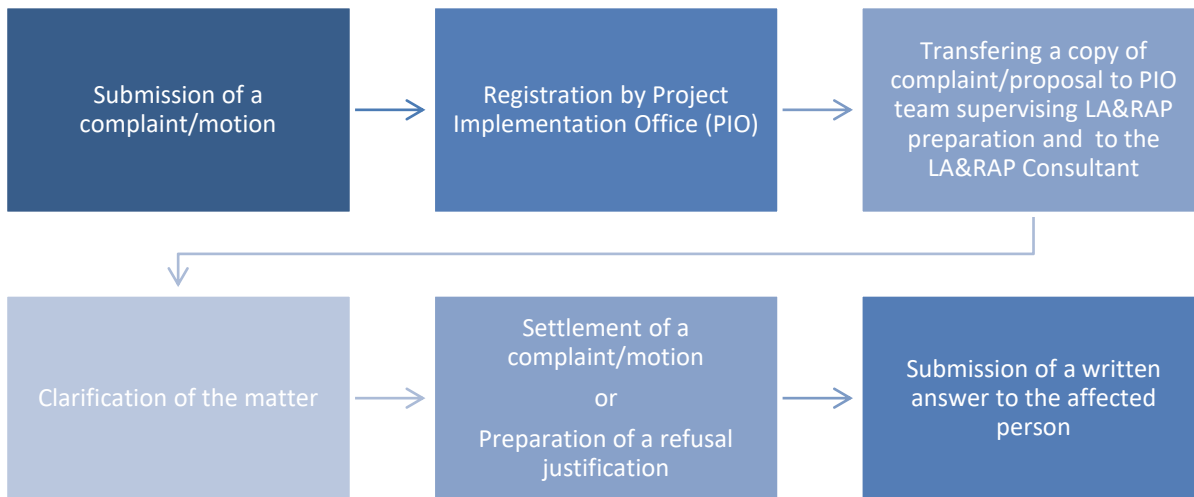
## Compliance of measures with the World Bank's Operational Policy – access to a fair appeal procedure, payment of compensation prior to the commencement of works

### PERMANENT ACQUISITION





## Scheme of general mechanism for management of complaints and motions





# Scheme of general mechanism for management of complaints and motions

**Complaint or motion may be filed by a party in one of three places:**

*1. Directly in the main Project Office, which shall remain a 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

+48 12 62 84 209

Mr. Rafał Sionko PGW WP RZGW in Cracow – Specialist

Mrs. Aleksandra Macek PGW WP RZGW in Cracow – Senior Specialist

*3. Directly in the office on site (address of that office shall be informed at an investment website one month before commencing the works).*

**Complaints and motions may be additionally filed:**

- By post, using aforementioned addresses or by a website : [www.krakow.wody.gov.pl](http://www.krakow.wody.gov.pl), or by e-mail: [jrp.krakow@wody.gov.pl](mailto:jrp.krakow@wody.gov.pl).

**Deadline for addressing complaints and motions:**

- Immediately, up to 30 days from receiving the complaint.



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Thank you for reviewing the  
materials provided