



Fot. M. Tokarski – Archives of RZGW in Cracow

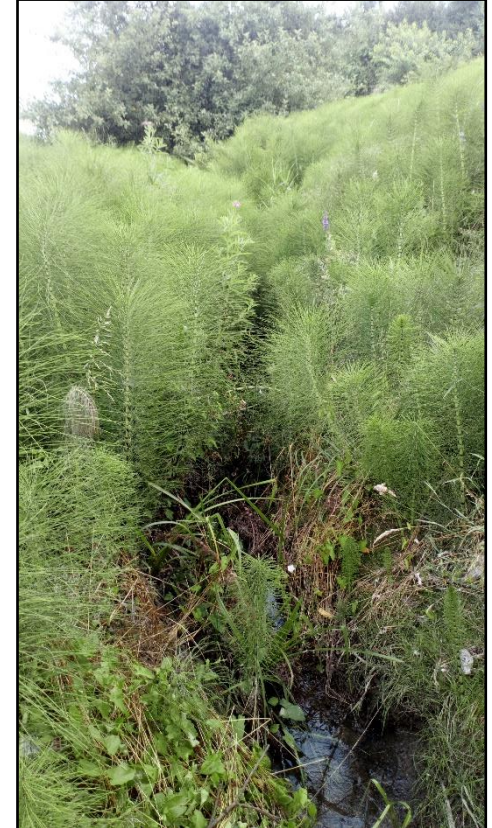
**Public consultations held in correspondence mode for the Draft Land Acquisition and Resettlement Action Plan (LA&RAP)
for Works Contract 3A.2/3 Flood protection in Serafa Valley – Malinówka 3 Reservoir**

Odra-Vistula Flood Management Project



Thematic scope of the presentation

1. Odra-Vistula Flood Management Project
2. What is the Land Acquisition and Resettlement Action Plan (LA&RAP)?
3. Description of Works Contract 3A.2/3
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





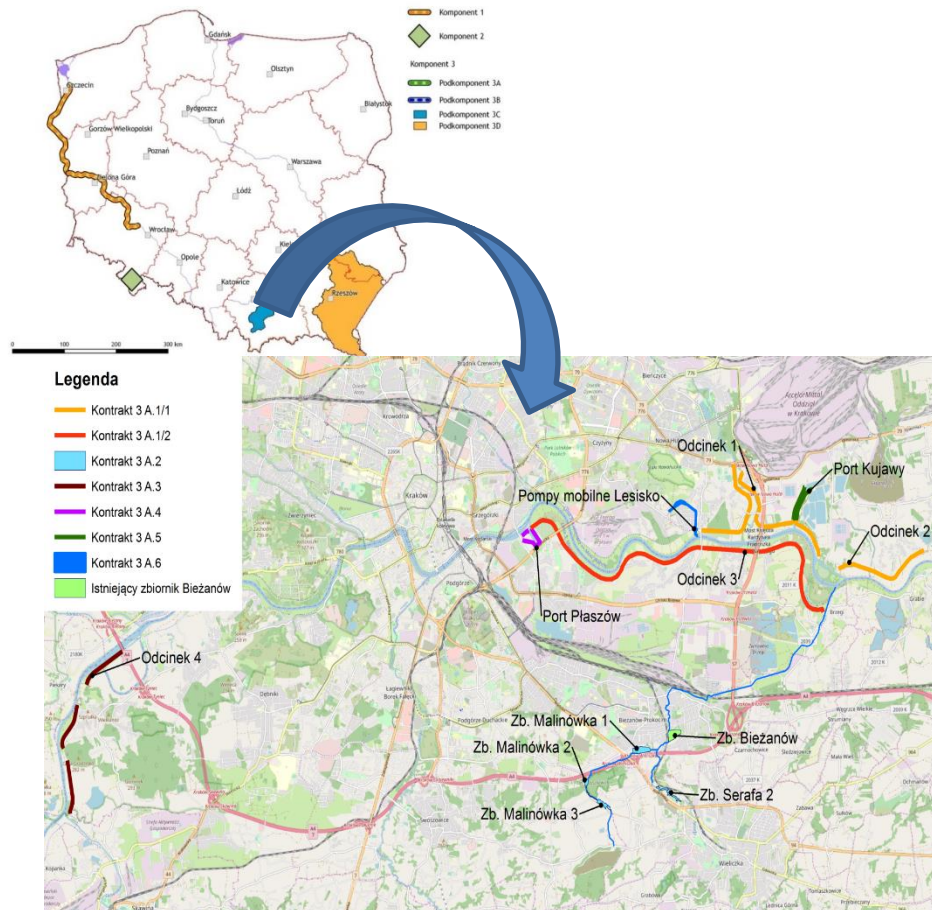
Odra-Vistula Flood Management Project (OVFMP)

□ Project's purpose

The purpose for implementing the *OVFMP* is to enhance protection against flood for people living in selected areas of the Odra and the Upper Vistula river basins and to strengthen the institutional capacity of the governmental administration to ensure more effective protection against summer floods and winter floods and flash 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.

The **DRAFT LAND ACQUISITION AND RESETTLEMENT ACTION PLAN** was made available for review from 11/05/2020 at the following websites:

- ✓ SWH Polish Waters RZGW in Cracow
- ✓ City Office of Cracow
- ✓ City and Municipal Office of Wieliczka
- ✓ Powiat Starosty in Wieliczka
- ✓ 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 the Works Contracts 3A.2/3 in writing or in an oral form to the protocol, or in a digital form.

After the period of access to the document, on 11/27/2020 at 5:00 p.m., a webinar will be held open to all interested parties, a link to the website enabling to join the teleconference will be published on the website of SWH Polish Waters RZGW in Cracow at: <https://krakow.wody.gov.pl/aktualnosci/> 5 days before the planned teleconference date.

Detailed data are given in the announcement sent to You



CHANGE OF THE INVESTOR

☐ **Investor until 31.12.2017**

**Małopolskie Board of Amelioration and Water
Structures in Cracow**

☐ **Investor from 01.01.2018**

**State Water Holding Polish Waters Regional Water
Management Authority in Cracow**



**Detailed information is provided in
Chapter 4.5 of the Draft LA&RAP**



Scope of works under Works Contract 3A.2/3

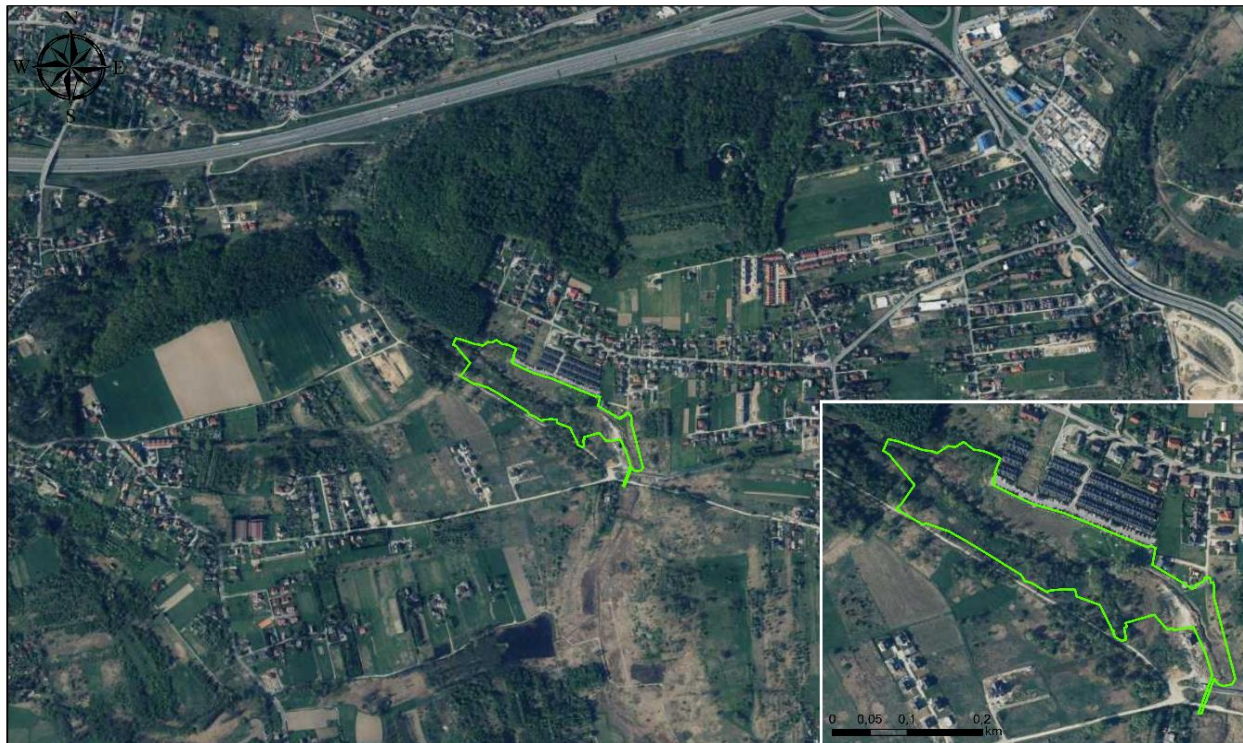
- **Construction of the front dam** - a damming structure at km 2+990 of the Malinówka stream, together with sealing of the dam body and its base
- **Execution of landslide protection on the right bank of the reservoir** in the area of the access road to the dam crest and the turning bay
- Construction of a reinforced-concrete overflow-sluice structure, together with a stilling basin
- **Construction of a pedestrian-road traffic footbridge** over the overflow-sluice facilities
- Construction of a service road with turning yards and exits to the reservoir
- Development of the reservoir bowl by grading
- Extraction of soil from the reservoir bowl for use for construction of the front dam and service roads
- Relocation of the Malinówka riverbed along the total length of about 435m in the area of overflow-sluice facilities and the reservoir bowl
- Reconstruction of the ditches within the reservoir bowl
- Construction of measuring points for the water table at the inlet and outlet of the reservoir
- Demolition and reconstruction of existing fences around the reservoir facilities and construction of new ones
- Construction of retaining walls to protect already built-up areas
- Demolition of existing concrete and steel elements within the reservoir bowl

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

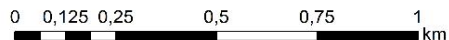


Actions not requiring the purchase of land:


- execution of the exit from the public road on the plot no. 442/1 which is owned by the State Treasury and managed by the General Directorate for Roads and Motorways, Cracow branch;
- demolition of existing culverts together with the construction of new ones on the inflow ditch on the right bank of the stream in the backwater area of the reservoir;
- reconstruction or protection of the colliding land development network within the reservoir bowl, in the scope of water supply systems, sanitary sewage system, rainwater drainage system, LV and MV power lines and teletechnical lines;
- construction of a temporary bed of the Malinówka stream together with culverts that will enable access to the right bank of the reservoir's bowl.

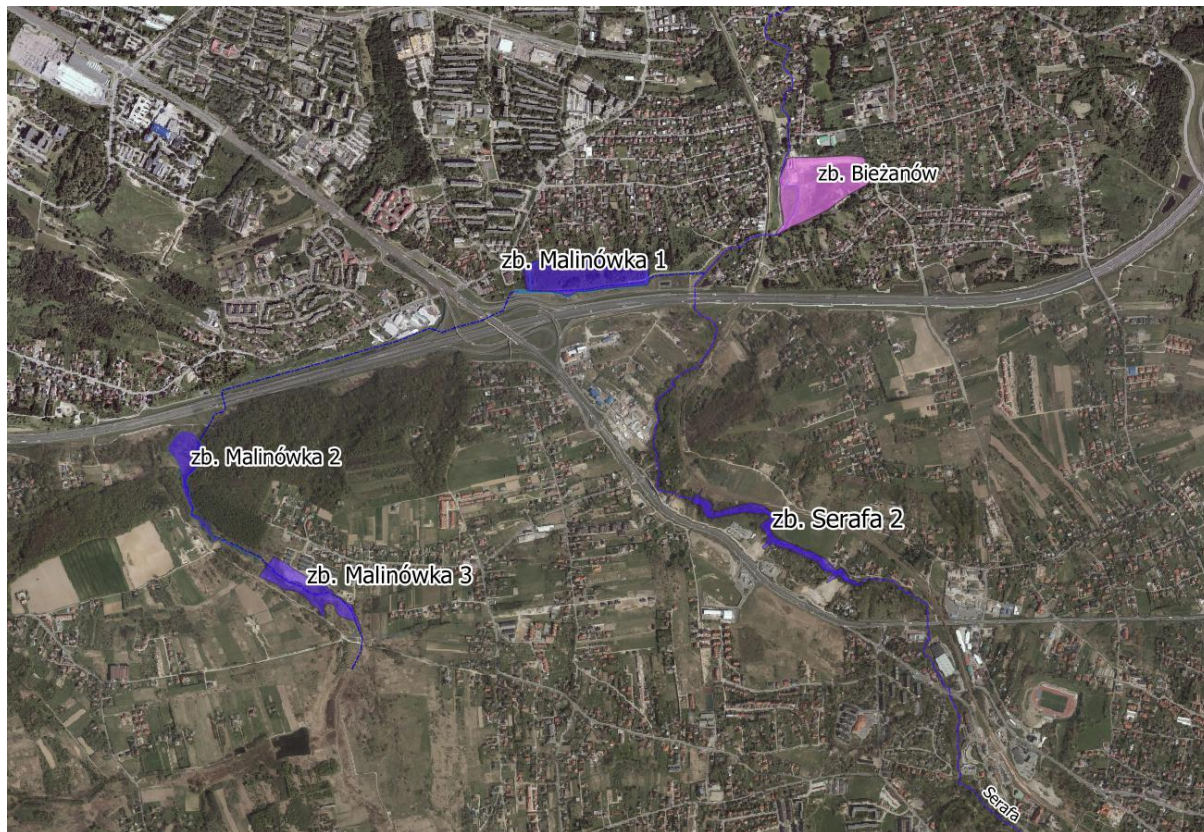


Location of the Works Contract 3A.2/3 - Malinówka 3 Reservoir



Legend

-  The boundary of the planned investment





Planned scope of land acquisition for Works Contract 3A.2/3

	Total number of hectares	Total number of plots	Public plots	%	Private plots	%	Others*	%	Physical resettlement	Economic resettlement
Permanent acquisition	4.5012	43	10	23.3	32	74.4	1	2.3	0	0
Permanent restriction in use	0.0162	2	2	100	0	0.0	0	0.0	0	0
Obligation to redevelop existing land utilities	0.1877	14	6	42.9	8	57.1	0	0.0	N/A	N/A
Summary	4.7051	59	18	30.5	40	67.8	1	1.7	0	0

* in the category "Others" 1 property is indicated with unregulated status (Unit mortgage)

There are no physical and economic resettlements for Works Contract 3A.2/3

Among the above-mentioned 59 properties, 18 plots are public plots, including 6 plots owned by the State Treasury and 12 plots owned by the Local Authorities' Units (Cracow Municipality and Wieliczka Commune), 40 plots are owned by 246 private persons. In the category "Others", 1 plot is co-ownership of private persons and the State Treasury with unsettled legal status.

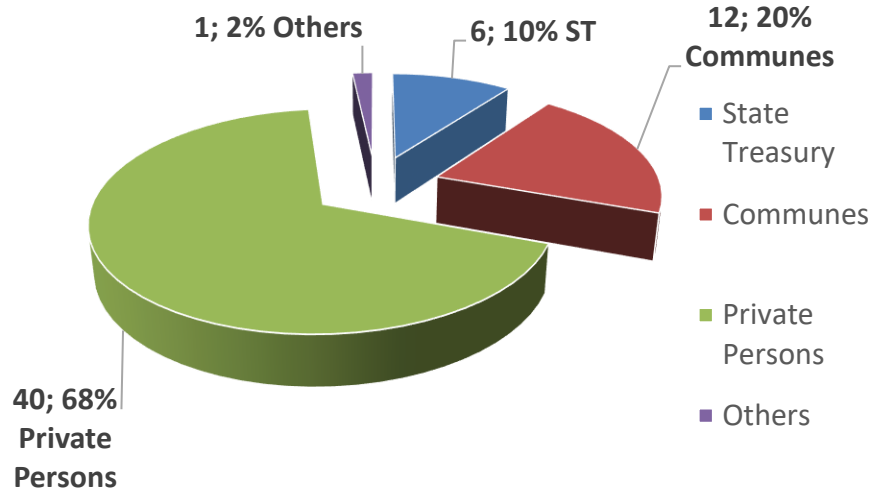


Chart: Ownership structure for plots under the analysis (permanent acquisition, permanent restrictions in use, obligatory redevelopment of utilities) – number of plots, %

Detailed information is 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 Contracts 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 September 21, 2004 on the evaluation of properties and development of estimates;

and

- ☐ World Bank's Operational Policy OP 4.12.

**Detailed information is provided in
Chapter 8 of the Draft LA&RAP**



OP 4.12 Involuntary resettlements - the **Operational Policy** contains the main principles and procedures which constitute the basis of WB's approach to involuntary resettlements associated with 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.

**Detailed information is provided in
Chapter 6.2 of the Draft LA&RAP**



Państwowe
Gospodarstwo Wodne
Wody Polskie

Mitigation measures dedicated residents of Secesja housing estate

Mitigation measures dedicated residents of Secesja housing estate

Design changes

In 2018 and 2019, at an early stage of the investment design, meetings were held with representatives of the residents of the Secesja housing estate in order to clarify the issues of concern to the local community.

The aim of the actions taken by PGW Polish Waters was primarily to ensure an appropriate level of safety, as well as to increase the comfort of the residents of the housing estate, which will be adjacent to the planned reservoir.

Mitigation measures dedicated residents of Secesja housing estate

As a result of discussions with residents, the Investor /PGW Polish Waters/ decided to take additional measures to minimize the impact of the investment, thus ensuring:

- Area for a playground for children, where a professionally equipped playground will be built at the Investor's expense
- Securing the slope with a supporting structure with drainage, which will protect a part of the housing estate adjacent to the reservoir against displacement caused by a possible landslide
- Suitable conditions for the outflow of rainwater from the estate from two outlets to the Malinówka stream
- Access to the reservoir area, which will also have a recreational function
- Crossing to the other side of the Malinówka stream
- Limiting felling of trees from the reservoir's canopy in order to leave shady places for residents
- Orderly green areas in the immediate vicinity of the Secesja estate
- Flood protection in the "backflow" area of the Malinówka reservoir 3



Mitigation measures dedicated residents of Secesja housing estate



Design state - the Secesja housing estate and area where the Malinówka 3 reservoir will be built



Mitigation measures dedicated residents of Secesja housing estate



Retaining wall - 176 m long and about 70 cm high as a protection for the estate.

Design state - the Secesja housing estate and area where the Malinówka 3 reservoir will be built



Mitigation measures dedicated residents of Secesja housing estate



Design state - ensuring a passage for residents to the other side of the Malinówka stream



Mitigation measures dedicated residents of Secesja housing estate



Design state - the Secesja estate and the area intended for a playground



Mitigation measures dedicated residents of Secesja housing estate



Wall in the form of a wall with a cap - 44 m long and 50 - 70 cm high as a protection against washing slopes

Design state - flood protection in the "backwater" area of the Malinówka 3 reservoir



Mitigation measures dedicated residents of Secesja housing estate



Strengthened slope as a protection against washing.

Design state - flood protection in the "backwater" area of the Malinówka 3 reservoir

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 voluntariness 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.



WHEN WILL THE PROCEDURE OF PURCHASING THE PROPERTIES FOR THE PURPOSES OF INVESTMENT IMPLEMENTATION BEGIN?

The procedure will begin when the IPIP decision approves the division of properties and identifies the plots that will legally become the property of the State Treasury, and this is done on the date the decision becomes final.

NOTE:

Compensation for the acquired properties is due to former owners, holders of perpetual usufruct and possessors of limited property rights in real property. The amount of compensation paid to former owners is reduced by the value of limited property rights established on the property and vested in third parties e.g. Banks due to the establishment of a mortgage.



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

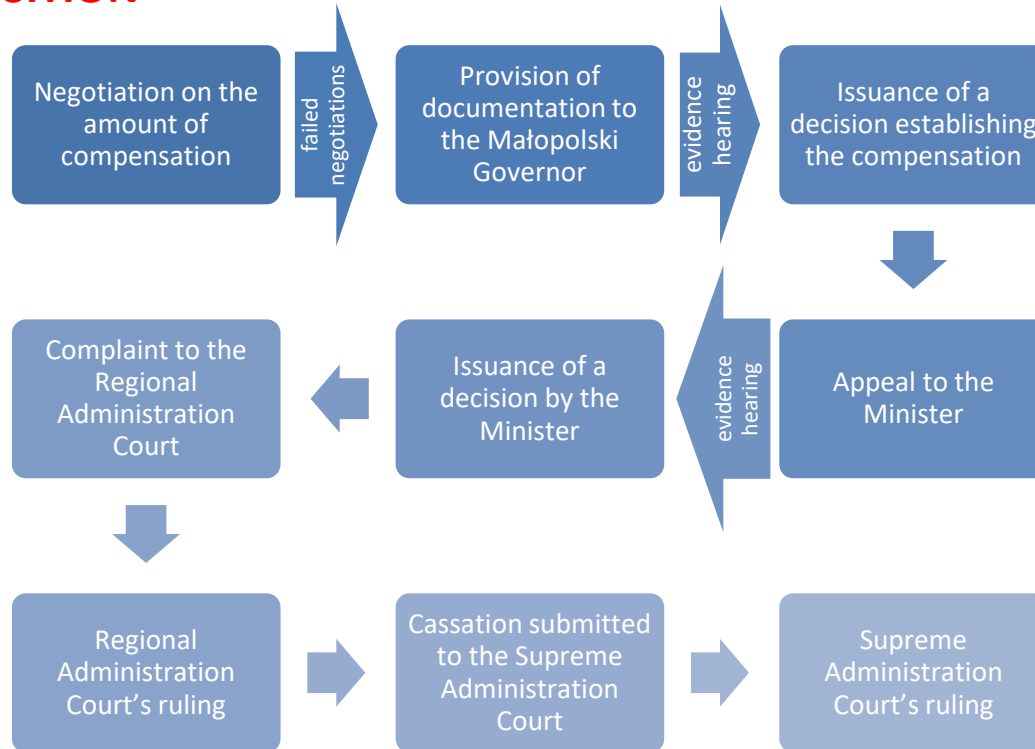
Compliance of measures with OP 4.12 on the stage of establishing and payment of the compensation amount.

- ☐ 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 Małopolski 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.



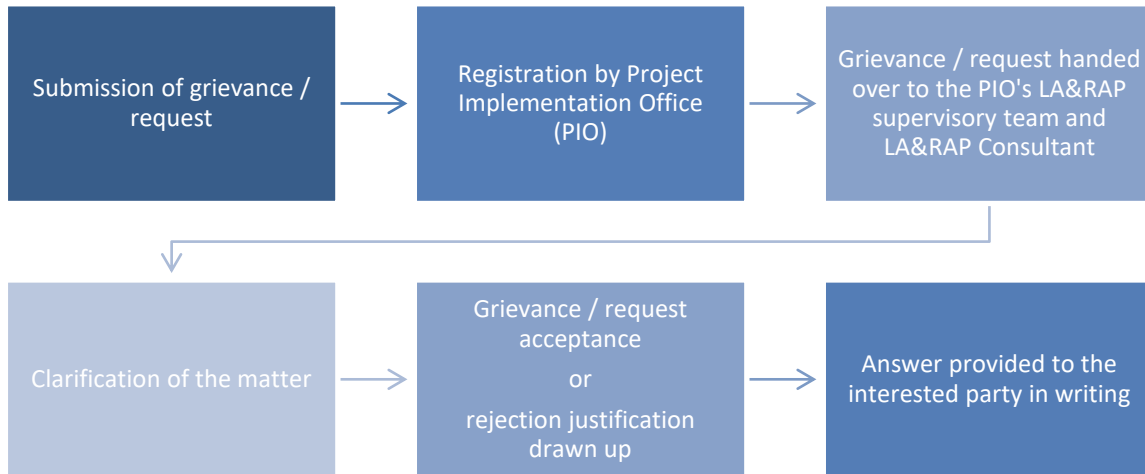
Compliance of measures with the World Bank's Operational Policy - access to a fair appeal procedure, payment of compensation prior to the commencement of works

PERMANENT ACQUISITION





General mechanism for managing grievances and requests





General mechanism for managing grievances and requests

A grievance or request may be submitted by a party in one of three locations:

1. Directly in the Project's main office, which will operate as a consultation point:

AECOM Polska Sp. z o.o.,

Odra-Vistula Flood Management Project

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 at the Employer's office:

SWH Polish Waters RZGW in Cracow

22. Marsz. Józefa Piłsudskiego Street

31-109 Cracow

3. Directly in the office on the construction site (the address of this office will be given on the Investment's website within month before the start of works).

Additionally grievances and requests can be submitted:

- By post, using aforementioned addresses or by a website: www.krakow.wody.gov.pl or by e-mail: jrp.krakow@wody.gov.pl.

Deadlines for considering grievances and requests:

- immediately, up to 30 days from grievance receipt.



Państwowe
Gospodarstwo Wodne
Wody Polskie

**Thank you for reading the
delivered material**

