

Report on Public Consultations

02/06/2020, at 3:00 pm

Mirror Hall
City Office of Tarnów
10. Wałowa Street
33-100 Tarnów



Project/Contract:	<i>Odra-Vistula Flood Management Project (hereinafter referred to as the OVFMP)/ Works Contract 3D.2/1 Construction of the Right Embankment of the Biała River in the City of Tarnów</i>		
Meeting Organizer:	Consultant acting upon a power of attorney of the State Water Holding Polish Waters RZGW in Cracow (hereinafter referred to as the Consultant), AECOM Polska Sp. z o.o.	Meeting type:	Public debate
Speaker:	Barbara Chammas – Consultant Engineer’s Project Manager, AECOM Polska Sp. z o.o. Marta Rak – Senior Supporting Expert for properties and technical assistance to the Client in the Consultant Engineer’s Team, AECOM Polska Sp. z o.o.		
Attendees:	According to the attached attendance list – Appendix 1 (personal data anonymized)		

Due to the fact of co-funding of the Works Contract 3D.2/1 Construction of the right embankment of the Biała River in the City of Tarnów (hereinafter referred to as Contract 3D.2/1) using resources of the World Bank, a Draft Land Acquisition and Resettlement Action Plan (hereinafter referred to as the Draft LA&RAP) has been developed in Polish and in English. The Draft LA&RAP underwent public consultations done in accordance with requirements under the World Bank’s operational policy (OP 4.12). Their purpose was to allow natural persons, institutions, and any party interested in contents of that document for acknowledging the document and for assuring the possibility of filing remarks, enquiries and motions referring to its contents.

In conformity with operational policy OP 4.12, publication of the Draft Land Acquisition and Resettlement Action Plan commenced on January 15, 2020 at publishing of the announcement in TEMI Galicyjski Tygodnik Informacyjny [Informational Weekly Magazine of Galicia] (local magazine) (Figure 6 in Appendix 2). The announcement invited natural persons, authorities, and interested institutions to review the Draft LA&RAP for Contract 3D.2/1.

Every interested party was able to acknowledge the Draft LA&RAP (hard copy) **from January 15, 2020 to February 5, 2020** (inclusive) available in offices of the following:

1. State Water Holding Polish Waters, Regional Water Management Authority in Cracow (PGW WP RZGW in Cracow), 22. Marsz. J. Piłsudskiego Street, 31-109 Cracow, on working days from 9:00 am to 2:00 pm,
2. Water Inspectorate in Tarnów, 5. Ostrogskich Street, 33-100 Tarnów, on working days from 7:30 am to 3:30 pm,
3. OVFMP Project Office, AECOM Polska Sp. z o.o., 1. Pokoju Alley (building K1 – 4th floor), 31-548 Cracow, on working days from 7:30 am to 3:30 pm;

or a digital document published on publicly available websites:

1. PGW WP RZGW in Cracow at - www.krakow.wody.gov.pl (Figure 1 in Appendix 2),
2. City Office of Tarnów at – www.tarnow.pl (Figure 3 in Appendix 2),
3. Polish Allotment Federation, Branch of Małopolskie in Cracow at – www.malopolski.pzd.pl (Figure 4 in Appendix 2),

4. Project Coordination Unit at – www.odrapcu.pl (Figure 2 in Appendix 2).

Every interested party was able to file remarks and motions referring to the Draft LA&RAP in writing and in an oral form to the protocol in the aforementioned offices or via e-mail to: jrp.krakow@wody.gov.pl on working days from 01/15/2020 to 02/05/2020 (inclusive). An institution responsible for consideration of remarks and motions was the PGW WP RZGW in Cracow, and the contact person was: Mr. Rafał Sionko, tel. +48 12 62 84 209.

Detailed information on the possibility of reviewing the document and on the possibility of filing motions and remarks (including provision of detailed contact data: telephone numbers, e-mails, snail-mail addresses where the draft document may be reviewed, office hours) were published in the Announcement (Figure 5 in Appendix 2) placed at the following locations:

1. At websites of PGW WP RZGW in Cracow at - www.krakow.wody.gov.pl, PAF Branch of Małopolskie in Cracow at - www.malopolski.pzd.pl; PCU at - www.odrapcu.pl, City Office of Tarnów at – www.tarnow.pl;
2. In local press – **TEMI Galicyjski Tygodnik Informacyjny**;
3. On noticeboards in the offices of: PGW WP RZGW in Cracow, City Office of Tarnów, and Polish Allotment Federation, Branch of Małopolskie in Cracow (Photos 1-3 in Appendix 2);
4. As well as on noticeboards in locations visited by the local society, e.g. in the area of Family Allotment Gardens SEMAFOR, noticeboards of other Family Allotment Gardens, e.g. FAG Jaskółka, and local noticeboards (Photos 4-10 in Appendix 2).

The aforementioned announcement also included information on the possibility of participating in an open meeting and in a discussion for all of the interested persons, organizations, and institutions, and it was planned for February 6, 2020 (including provision of a venue, day and hour of the meeting).

That information was additionally submitted (individually, or invitations were submitted to Councils) to the following public institutions interested in implementation of the Project:

1. City Office of Tarnów,
2. City Council of Tarnów,
3. PAF Branch Management in Cracow,
4. FAG SEMAFOR Management Board,
5. Council of Estate no. 7 “Krakowska”,
6. Management Board of TARNOVIA Shopping Mall.

Publication of the Draft LA&RAP – officially commenced on **January 15, 2020** – ended after 21 days, on **February 5, 2020**. In the period of publishing the Draft Land Acquisition and Resettlement Action Plan the PGW WP RZGW in Cracow, the Water Inspectorate in Cracow, and the Consultant’s Project Office did not receive any enquiries or motions – neither by e-mail nor by phone, and they were not handed over personally. Some interest in the document available electronically was however noted. Downloads of files from the websites informed in the announcement were observed.

The open meeting for the public – referring to public consultations on the Draft **Land Acquisition and Resettlement Action Plan for Contract 3D.2/1 Construction of the right embankment of the Biala River in the City of Tarnów**, implemented under the Odra-Vistula Flood Management Project, was held in a venue located close to domiciles of project affected persons, in the Mirror Hall of the City Office of Tarnów, 10. Wałowa Street, 33-100 Tarnów, on February 6, 2020, at 3:00 pm.

20 people attended the meeting, and the attendees were representatives of the City Office of Tarnów, PAF Branch Management Board, FAG Semafor Management Board. Representatives of entities directly engaged in implementation of the OVFMP also participated in the meeting, i.e.: Project Implementation Office of PGW WP RZGW in Cracow, Project Coordination Unit, and the Consultant Engineer’s Team (including the: Project Manager, Designer, and the Properties Management Team).

The meeting was opened by Mrs. Monika Piszczek, Manager of the Project Implementation Office of PGW WP RZGW in Cracow, who welcomed the attendees and gave the floor to Mrs. Barbara Chammas, Project

Manager from the Consultant Engineer's Team. Mrs. Barbara Chammas welcomed the attendees and briefly presented the purpose of the meeting and thanked the local authorities of Tarnów, representatives of the PAF Branch Management Board and of the FAG Semafor for their engagement and assistance in actions associated with obtainment of properties. She subsequently gave the floor to the Consultant Engineer's Senior Supporting Expert for properties and technical assistance to the Client. Mrs. Marta Rak shown a multimedia presentation:

1. Purpose and financing for the OVFMP were briefly discussed.
2. It was explained why the Draft LA&RAP was developed and how did its publication procedure look like.
3. Information on Contract 3D.2/1 (scope of works, area protected against flooding due to implementation of the Contract in question) were provided.
4. The greatest attention was paid to: legal regulations on payment of compensation in the area of newly formed embanked area and the area underneath the embankment, procedure of their establishment, provision of appeals, and claim and complaint provision mechanism.
5. The progress of compensation establishment and payment process for planned liquidation of allotment gardens located within the embanked area was discussed.
6. An exceptional attention was paid to the issue of changing the Investor, i.e. to the liquidation of the Małopolski Board of Amelioration and Water Structures in Cracow on 12/31/2017, and to forming of a new entity – State Water Holding Polish Waters – which took over rights and liabilities of the liquidated unit. Coincidence between those events and the date of issuing the IPIP decision for the Contract in question and the day it became final was discussed. The speaker apologized for not taking actions back then to establish the compensation, and informed that on 02/05/2020 an application on establishing the amount of compensation for allotment gardens located underneath the embankment, which shall be liquidated, was submitted to the Małopolski Governor. Further steps associated with the compensation payment were also discussed.
7. The attendees were informed about the possibility of receiving the undisputable part of the compensation despite a potential appeal against the decision of the Governor establishing the compensation amount.
8. The attendees were informed about the purpose and contents of the developed Draft LA&RAP, Operational Policy OP 4.12 was discussed. At presenting the issues of the Draft LA&RAP Mrs. Marta Rak drew special attention to measures mitigating social impact and to liabilities of the Contractor related to the rules of obtaining properties for temporary acquisition, which shall be its obligation and refer to the scope of acquisition greater than the one indicated under the IPIP decision. The final area of temporary acquisition shall be determined by the Contractor, which would be selected by the Investor in a public bidding proceeding. Its representatives shall contact the owners/holders of land in vicinity of the embankments to establish the acquisition conditions. The process shall be implemented on a voluntary basis and based upon the rules determined under the agreement concluded between the property owner and the Contractor. It shall be monitored by the Investor and the Consultant acting in its name (a framework agreement template for temporary acquisition, which would need to be applied by the Contractor for Works Contract 3D.2/1, is given in the Draft LA&RAP).

After completing the presentation the floor was given to the attendees.

During the meeting the following questions were asked and the following answers were provided:

1. *PAP 1: Information provided is very extensive; thus I would like to ask the Consultant to inform contact data to ask additional questions, if necessary?*

Answer:

All contact data – to the Consultant, as well as to the Investor – are given in the information leaflet, which was brought to the meeting. I would like to request for taking it with you. On the consultation stage for the Draft LA&RAP Mrs. Ewa Uczniak-Grzanka was indicated as the contact person on the investor's side, but – due to the fact that this person no longer works for the RZGW – the brochure was updated and a new contact person for properties was informed, i.e. Mrs. Aleksandra Macek. Please remember that the Land Acquisition and Resettlement Action Plan shall also be available on websites of RZGW in Cracow and of the Project Coordination Unit until the end of performance under the Works Contract 3D.2/1, so anyone can review it and look up relevant data.

2. *PAP 2: Please clarify why so few people are present at the meeting – the information was not distributed properly, although you had contact numbers to gardeners?*

Answer:

We tried to reach the greatest possible group of people using commonly used media through publication of an announcement in local press, at websites of institutions engaged in implementation of the Project, on noticeboards of those institutions, and on noticeboards in places where works shall be performed, including the area of FAG Semafor and – due to courtesy of the President of the PAF Branch Management Board – within all other allotment gardens in the area of Tarnów. Invitations were also submitted to public institutions, including the Council of Estate, which would be protected against flooding due to the development of embankment at the River Biała. No one called the gardeners individually.

A charge was informed: you may have called every person; it is winter, season of infections, no one goes to allotment gardens and it is not the best time for such meetings.

3. *PAP3: Would we be informed about the Governor's proceedings?*

Answer:

Yes, the Governor shall treat every user of allotment garden as a proceeding party, and those persons shall receive relevant notifications on the issuance of a decision determining the compensation amount.

The meeting attendee marked in the report as PAP2 asked other questions, and the Consultant was not able to answer some of them exhaustively. As questions were asked one after another and were related to a very wide scope, including subjects not associated with actions of the investor, as well as actions/negligence of the PAF Branch Management Board, FAG Semafor Management Board, and the City Office of Tarnów, representatives of institutions against which the questioning person claimed have also taken part in the discussion.

President of the FAG Semafor informed that during a General Assembly the gardeners were each year informed about the planned investment. For few tens of years the gardeners are aware that the investment is to be implemented in that area. He additionally stated that except for modifying the investor, the designers have also been changed several times; thus it was possible to use the plots longer than expected. He informed a positive opinion on actions of the Investor and stated that the gardeners from the embanked area are very satisfied with offered compensation – they did not expect such amounts. He confirmed that in June 2019 it has officially been informed that it was the last management season at allotment gardens to be liquidated. He knows that for the areas underneath the embankment evaluation shall be available later, but he assumes that the amounts would be as satisfying, and that is a basic issue at securing interests of the gardeners.

He additionally referred to the issues of proposed replacement properties. He indicated in its own name and in the name of the entire Management Board that the proposed site is a degraded area with unknown potential contamination rate, and its reinstatement requires high financial expenditures, and it is not known if the gardeners would be willing to move there. Furthermore, a reloading yard or a waste collection site is to be developed in its vicinity.

Representative of the PAF BMB also informed that the part of FAG Semafor, which is acquired, has been legally expropriated for public purpose, and a basis for issuance of the decision was the special flood act. The process is irreversible, but he would like to thank for actions of the Investor, who cooperated with the Management Board of FAG Semafor (he thanked very much for engagement of the Management Board) to satisfy all of the gardeners. It is unlikely that everyone will be happy, but he requests – if possible – for provision of unequivocal charges and not negating everything the Investor presents.

The other representative of the PAF BMB also took part in the discussion. That person informed that family allotment gardens were arranged not only within such sites. She informed that the PAF BMB received an official information from the Mayor on replacement properties and that a consultation process for that site is in progress. The Management Board for FAG Semafor was provided with a written application for an opinion on utility of that area. After receiving the opinion the decision shall be made through a resolution, and the PAF Management Board shall participate in the process on a state level.

The issue of replacement properties has also been discussed by a representative of the City Office of Tarnów.

The CO representative referred to the issue mentioned by PAP2 in relation to sites owned by the Municipality of Tarnów between Jana Pawła II Street and Wołą Rzędzińska. The CO representative clarified that the site has mostly been returned to previous owners, and a remaining small part of that area has a different purpose in the Local Spatial Development Plan.

It was established, **in accordance with a proposal of PAP2**, that he shall write the questions asked during the meeting down using a question form and send it by mail, so it would be possible to provide exhaustive answers to the questions, also in the range of answers to questions asked to other institutions mentioned by him.

The meeting was over after making those establishments.

According to the declaration, the attendee submitted a complete question form to the e-mail address of PIO in PGW WP RZGW in Cracow (given in the announcement) (Appendix 3). Answers to some of the questions, which directly referred to the investment and actions of the former and of the present Investor were provided in writing with information that the Investor has applied to the Mayor of Tarnów and to the FAG Management Board with a request for referring to questions related to those institutions/units directly (Appendix 4). That part of questions in writing was submitted to the units they referred to directly (Appendices 5 and 6), and their answers/standpoints shall be handed over to PAP2 after getting them back.

The attendees were thanked for coming and participating in the meeting.

Remarks and motions informed during the debate have been analyzed in terms of necessary corrections to the final version of the document. Considering specificity of the questions asked during the public consultations, authors of the document updated its contents and implemented additional contents resulting from the publication procedure (the range of changes was informed in Appendix 7).

After updating the document with a publication procedure report the final LA&RAP shall be submitted to the World Bank for the purpose of obtaining "no objection" clause.

All attendees were asked to take information brochures on the compensation payment procedure and on the appeal procedure, including contact data to the Investor and to the Consultant – containing telephone numbers, where further data may be obtained (Appendix 8) – with them. The PAPs were also encouraged to take more copies of the brochure and hand them over to neighbors.

Question forms were available during the meeting. The attendees were asked to sign an attendance list, including provision of contact data (if they would agree for provision of such data). It was also informed that the data would be subject to protection of personal data in accordance with the GDPR act, and it shall only be used for the purpose of implementing Contract 3D.2/1. They were also asked for consent for making photos, which would remain an element documenting the meeting, and the pictures would show the PAPs from behind and would not violate their image (photos no. 11-13 in Appendix 2).

This is the final information under the report.

Developed by:
Marta Rak

Appendices:

1. Attendance list of 02/06/2020 (personal data anonymized).
2. Photo documentation – documented announcements.
3. Question form – filled in by PAP 2.
4. Written answer to the questions asked by PAP2.
5. Application to the Mayor of Tarnów.
6. Application to the President of the FAG Semafor Management Board.
7. Application to the FAG Semafor Management Board.
8. Range of changes implemented to the Draft LA&RAP.
9. Information leaflet.