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Management Authority in Cracow

**Public consultations held in correspondence mode for the Draft Land Acquisition and Resettlement Action Plan (LA&RAP)
for Contract 3A.6 Construction of a pumping station for mobile pumps to drain the Lesisko complex**

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 the Works Contract 3A.6
4. Institutional, legal and administrative conditions
5. Project impact
6. Legal basis for implementation of the LA&RAP
7. Mitigation measures
8. Temporary occupation
9. Payment of compensation and appeal procedure





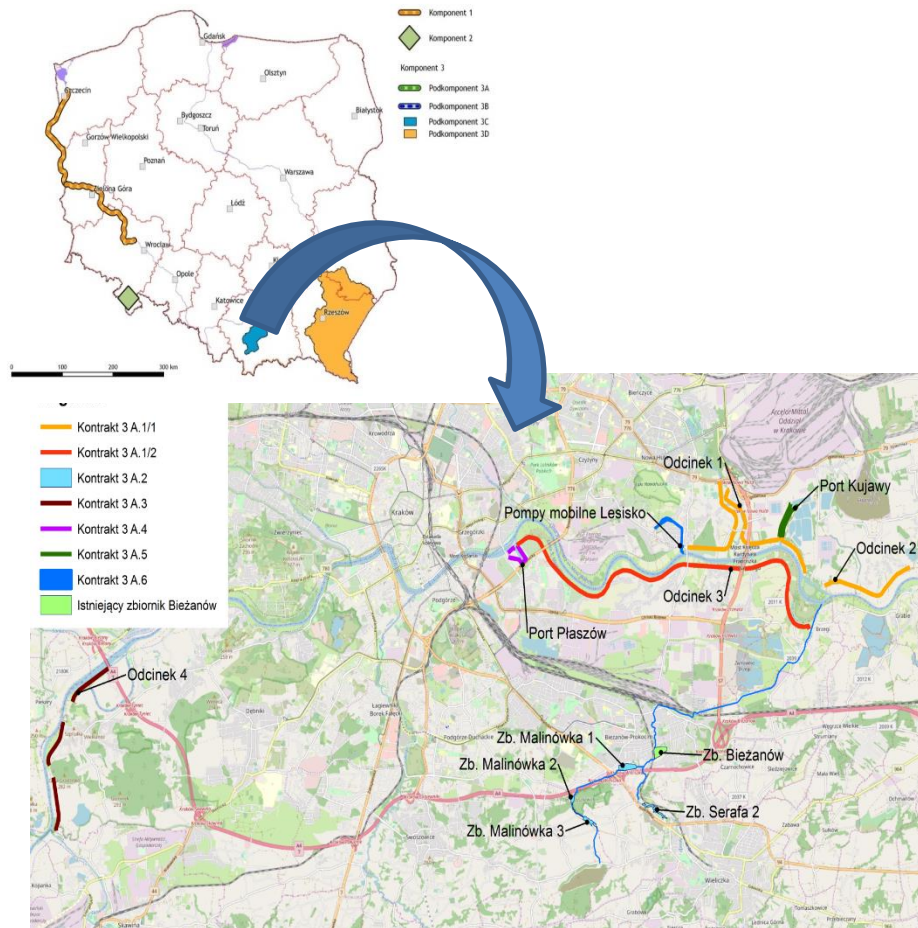
Odra-Vistula Flood Management Project (OVFMP)

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 26.10.2020 at the following websites:

- ✓ PGW WP RZGW in Cracow
- ✓ City Office of Cracow
- ✓ Odra-Vistula Flood Management Project Coordination Unit
- ✓ XVIII Nowa Huta District Council

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.6 in writing, by telephone or in an oral form to the protocol, or in a digital form.

After the period of access to the document, on 18.11.2020 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 PGW WP 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 4.6 of the Draft LA&RAP



Scope of works under Works Contract 3A.6

- **construction of an embankment sluice** made of PVC plastic pipes with a diameter DN1500, together with an inlet chamber of DN2500 diameter, inlet to chamber DN800, together with pump connection stubs, grilles, gates, check valves and reinforced concrete abutments at the inlet and outlet and a fence with a gate, at chainage from approx. km 0+142 to km 0+187 of the Lesisko canal;
- **construction of a fenced-off pumping station** for mobile pumps, together with a field storage reservoir with a capacity of approx. 0.8 thousand m³, with a protected bottom and bank slopes, at km 0+183 to km 0+238 of the Lesisko canal;
- **construction of the inlet** (up to km 0+196) **and outlet protection** (from km 0+135) of the embankment sluice with concrete elements, finished with reinforced concrete buttresses;
- construction of slope stairs for the lock and pumping station for communication purposes;
- construction of an exit from the asphalt road to the area of the pumping station with development consisting in hardening the surface of the square for pumping stations with concrete slabs, paving stones, asphalt and gravel;
- bowl development and enlarging the area of the existing water reservoir on the section from km 0+935 to km 1+337 of the Lesisko canal, average width of 50 m and depth of about 1.8 m.



Scope of works under Works Contract 3A.6 cntd.

- reconstruction of a section of the Lesisko canal by **desilting the bottom along with slope grading and with reinforcement with the fascine fences and the palisade** at chainage from km 0+238 to km 0+781;
- reconstruction of the existing PE DN160 municipal water supply system running under the designed embankment sluice and teletechnical column line;
- reconstruction of an asphalt access road;
- demolition of the existing embankment sluice made of DN800 reinforced concrete pipes with abutments, inlet and outlet;
- construction of a temporary constructional cofferdam for the purpose of drilling and abutment of the sluice outlet from the upstream side of the embankment (in the embanked area).



Comparison of changes in design solutions for Works Contract 3A.6

Was in the permanent Pumping station design	Is in the mobile Pumping station design
Pumps' capacity - 3 pumps with a total output of 1.3 m ³ /s, i.e. 0.43 m ³ /s each (for high flows) + one with output of 0.016 m ³ /s (for low flows - constant operation). Additionally, 1 reserve pump 0.43 m ³ /s in the warehouse (failure/repair).	Pumps' capacity - 6 pumps with a total output of 1.5 m ³ /s, i.e. 0.25 m ³ /s each.
Diameter of pipelines - 3x 600 mm (for high flows) + 1x 150 mm (for low flows). In addition, 1x 600 mm for a backup pump (failure/repair). All pipelines - pressure pipelines.	Diameter of culvert - 1500 mm Gravity-pressure pipeline.
Water flow from the canal is only possible through the operation of the pumping station - constant supply required (continuous operation).	Water flow from the canal under normal conditions - by gravity, in flood conditions or when water is dammed in the canal - using pumps with their own independent power supply.
No storage reservoir. Retention possible only in the canal channel.	Additionally a storage reservoir with capacity of approx. 510 m ³ .

Agreement with the Municipality of Cracow

An agreement dedicated to the residents of Lesisko was signed on 30.07.2020 between PGW WP and the Mayor of Cracow. In the agreement, the Parties declared their willingness to cooperate.

THE PROVISIONS OF THE AGREEMENT govern the following substantive matters:

1. PGW WP will execute a fenced pumping station and equip it with 6 high-capacity pumping sets, and the City of Cracow will be responsible for its operation and providing flood protection for the Lesisko estate.

Agreement with the Municipality of Cracow cntd.

2. Agreement includes a provision on the need to guarantee the inhabitants of the estate the priority of using pumps for the purposes of flood protection in Lesisko and on a 24-hour monitoring of the water level in the Lesisko stream, as well as on ensuring the transmission of information on the water level to the Crisis Response Team of the City of Cracow.

Agreement with the Municipality of Cracow cntd.

3. The agreement contains also provisions referring to the rules of use – by specialized services of the Mayor of Cracow – for the purchased pumps. Those services shall care for their technical condition and starting up at raised level of water in the River Vistula. In order to increase the speed of reaction for raised water levels in the Lesisko canal, a monitoring system has been designed (measuring of the water-table level and submission of a signal to the indicated unit/units).

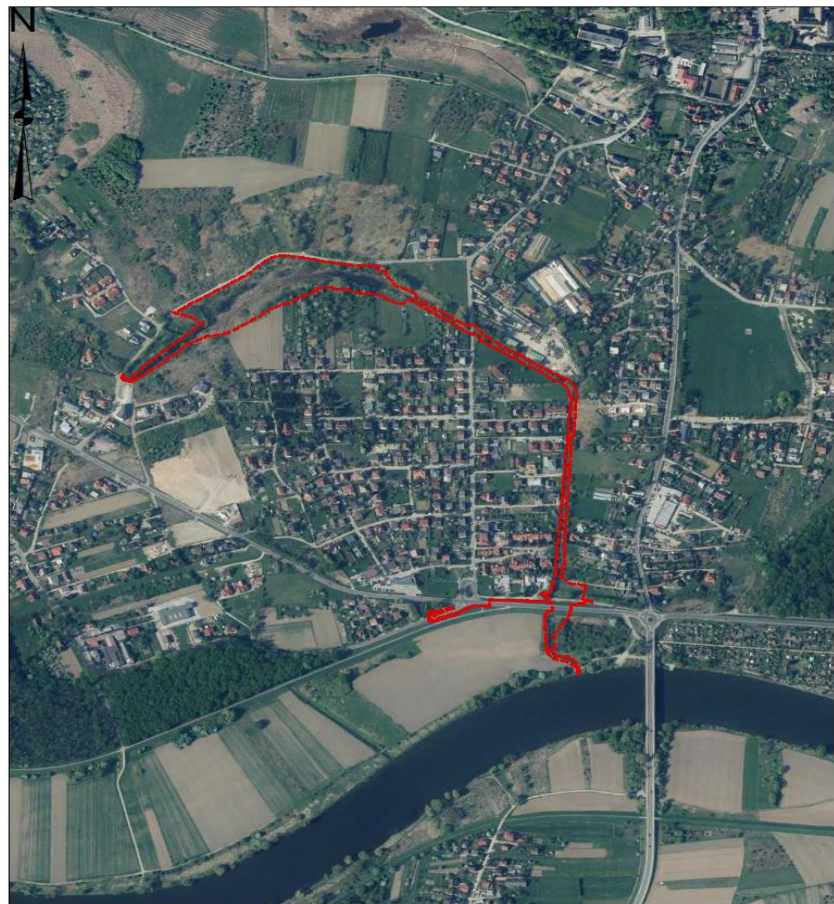
NOTE:

Details concerning the management of the constructed infrastructure and the purchased pumping sets will be included in the agreement between the Investor and the Municipality of Cracow, which will be signed at the stage of commissioning the Investment.



Państwowe
Gospodarstwo Wodne
Wody Polskie

Location of Works Contract 3A.6



Legenda

--- Granica inwestycji

Kontrakt 3A.6 Budowa stanowiska pompowego
dla pomp mobilnych dla odwodnienia Kompleksu Lesisko

0 0,125 0,25 0,5 0,75 1 km



Planned scope of land acquisition for Works Contracts 3A.6

	Total number of hectares	Total number of plots	Public plots	%	Private plots	%	Others** *	%	Physical resettlement	Economic resettlement
Permanent acquisition	4.2825	69*	19	27.5	49	71.0	1	1.4	0	0
Permanent restriction in use (in IPIP of 2015)	0.1999	17	10	58.8	1	5.9	6	35.3	0	0
Permanent restriction in use (resulting from design changes)	0.0427	5	1	20.0	0	0.0	4	80.0	0	0
Summary	4.5251	86	29	—	50	—	7	—	0	0

*** category of properties, which contain 6 plots owned by the Municipality of Cracow used by a Joint Stock Company (power-supply company) and 1 plot owned by the Municipality of Cracow with perpetual usufruct (5 private persons)

**There are no physical and economic
resettlements for Works Contracts 3A.6.**

Among the above-mentioned 86 properties, 29 plots are public plots, including 20 plots owned by the State Treasury and 9 plots owned by the Local Authorities' Units (Cracow Municipality), 50 plots are owned by private persons. "Other" 7 plots – a category of properties covering 6 plots owned by the Municipality of Cracow used by a Joint Stock Company (power-supply company) and 1 plot owned by the Municipality of Cracow with perpetual usufruct (5 private persons).

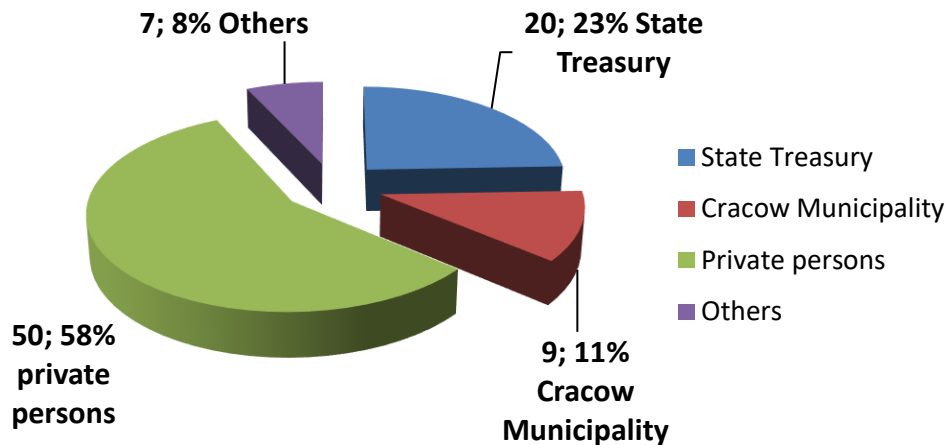


Chart: Ownership structure for plots under the analysis (permanent acquisition, permanent restrictions in use) – number of plots, %

Detailed information is provided in
Chapter 7.4 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 the place of residence,
 - 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)

2. Organizational measures:

- ☐ Minimization of areas of land to be necessarily acquired.
- ☐ Minimizing impacts at the stage of construction works.
- ☐ 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.

Temporary acquisition

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.



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.

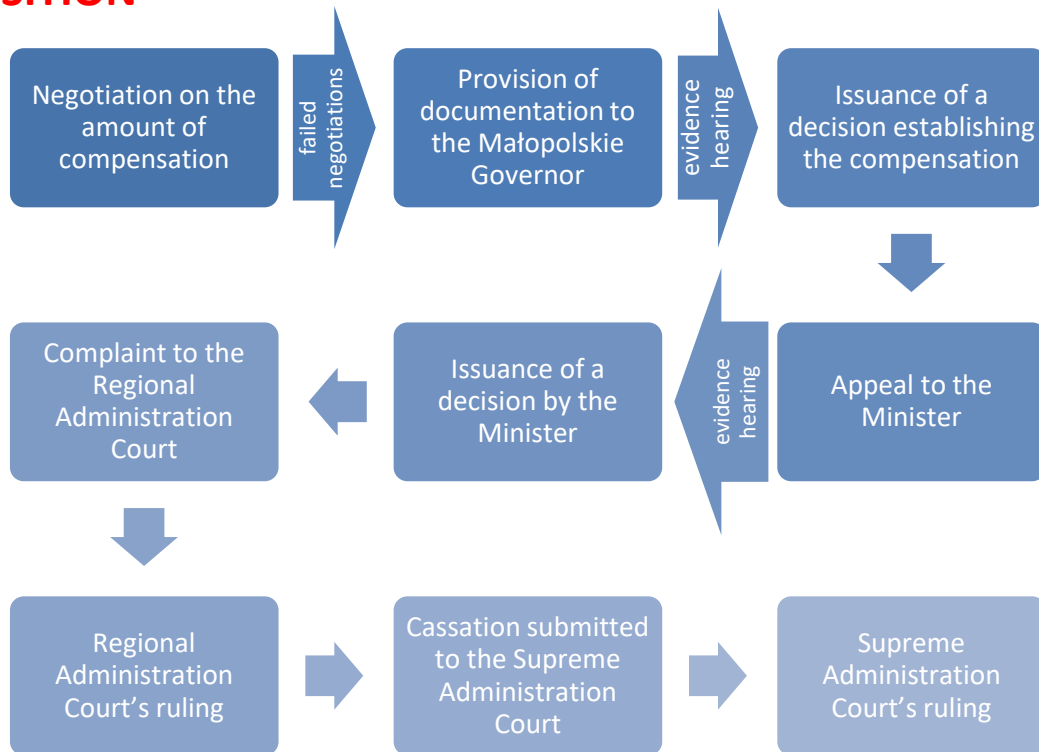
- ☐ Before issuing the decision, the Governor appoints an expert valuer.
- ☐ The basis for determining the amount of compensation were the amounts indicated by assessors in estimate studies.
- ☐ The interested parties are informed about their rights, and especially about the possibility of appealing 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

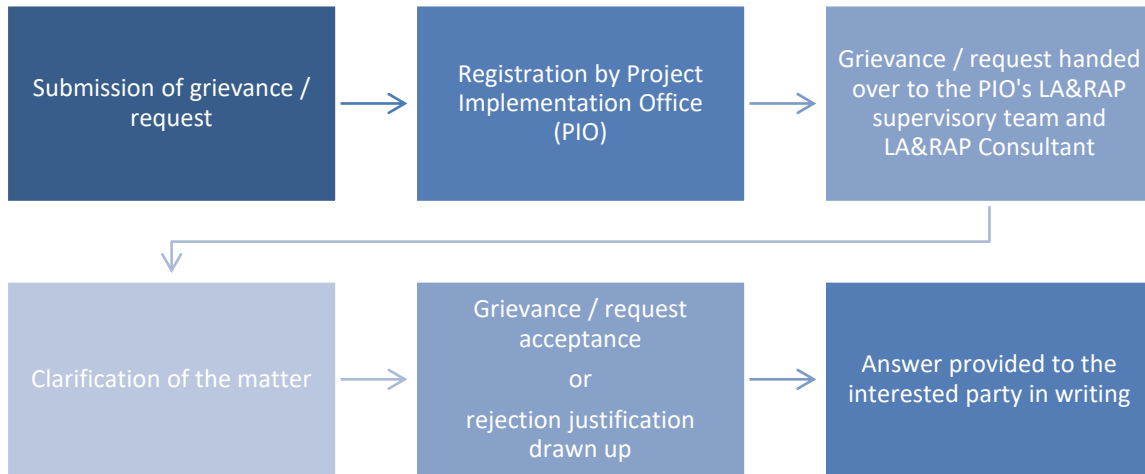
PERMANENT ACQUISITION

**approx. 81%
of
compensations
were paid**





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:

PGW WP RZGW in Cracow

ul. Marsz. Józefa Piłsudskiego 22

31-109 Kraków

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

Additionally grievances and request 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**



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