

Report on Public Consultations

26.10 – 16.11.2020

18.11.2020 (17.00-19.00) - webinar



Project/Contract: *Odra-Vistula Flood Management Project (hereinafter referred to as OVFMP)/ Works Contract 3A.6 Construction of a pumping station for mobile pumps to drain the Lesisko complex*

Consultations' organizer: Consultant acting upon authorization of the State Water Holding Polish Waters RZGW in Cracow (hereinafter referred to as the Consultant)

Type of consultation s: Correspondence, electronic

Led by: Marta Rak – Senior Supporting Expert for properties and technical assistance for the Client in the Consultant-Engineer's Team, AECOM Polska Sp. z o.o.
Maciej Rudnicki - Designer in the Consultant-Engineer's Team AECOM Polska Sp. z o.o.

Due to the fact of co-funding implementation of the *Works Contract 3A.6 Construction of a pumping station for mobile pumps to drain the Lesisko complex* using resources of the World Bank in accordance with the Bank's operational policy OP 4.12, a document titled 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 was subject to public consultations.

The aim of the public consultations is – according to the requirements of World Bank's operational policies – to allow to review the contents of that document for natural persons, institutions, and all other interested parties, as well as to secure the possibility of filing remarks, claims, enquiries, and motions referring to its contents.

PUBLIC CONSULTATIONS PROCESS

The publication of the Draft Land Acquisition and Resettlement Action Plan was commenced on **October 26, 2020**, at publication of an announcement in Dziennik Polski and internet version of Gazeta Krakowska (local magazines) (Appendix 2). The announcement invited individuals, authorities and interested institutions to inspect the draft LA&RAP for the Works Contract 3A.6.

As informed in the announcement (quote): (...) DUE TO THE STATE OF EPIDEMIC THREAT IN POLAND AND CARE FOR YOUR HEALTH, THERE WILL BE NO CONSULTATION MEETING IN THE FORM OF A PUBLIC DEBATE, BUT IN ORDER TO PROVIDE YOU WITH AN OPPORTUNITY TO READ THE LA&RAP DOCUMENT AND TO MAKE PROPOSALS AND COMMENTS, IT HAS BEEN DECIDED TO HOLD A CONSULTATION BY CORRESPONDENCE USING THE AVAILABLE (SECURE) COMMUNICATION CHANNELS (...)

The draft LA&RAP was made available on the following websites:

- PGW WP RZGW in Cracow at – <https://krakow.wody.gov.pl/aktualnosci/>,
- City Office of Cracow at – <https://www.bip.krakow.pl/>,
- Odra-Vistula Flood Management Project Coordination Unit at –

<http://odrapcu2019.odrapcu.pl/ogloszenia/>,

- Council of District XVIII Nowa Huta at the address:
www.dzielnica18.krakow.pl/index.php/konsultacje-spoleczne.

Each interested party could submit comments and motions referring to the DRAFT LAND ACQUISITION AND RESETTLEMENT ACTION PLAN

- in writing (i.e. by post) to the address of the PIU in Cracow: The State Water Holding Polish Waters Regional Water Management Authority in Cracow ul. Marszałka J. Piłsudskiego 22, 31-109 Cracow
- or in electronic form by mail to: jrp.krakow@wody.gov.pl
- and by phone at numbers: **505 028 137, 601 824 298** (on working days from 9:00 a.m. to 5:00 p.m.)

from **26.10.2020** to **16.11.2020** inclusive (21 days). The institution competent to examine the comments and motions was PGW WP RZGW in Cracow:

Except for publishing the announcement in press as informed above (Dziennik Polski and internet version of Gazeta Krakowska – local magazines), it has also been:

- placed on information boards at PGW WP RZGW in Cracow (on the entrance door), City Office of Cracow (on the information board - unfortunately, the Office was closed to the applicants during this period),
- published on the websites of the institutions indicated above,
- and placed at performance sites. In addition, posters informing about the Works Contracts 3A.6 were additionally placed – except for the announcement – at performance sites.

Simultaneously, every owner of properties subject to acquisitions was provided – to the address of the place of residence / correspondence address given in the register of land and buildings – by the Polish Post, with priority registered mail with e-mail confirmation, with information packet concerning the Draft LA&RAP, which comprised the following:

1. Cover letter;
2. Announcement on the consultations;
3. Questionnaire for provision of opinions and enquiries;
4. Information brochure;
5. Presentation on the Project and on the Draft LA&RAP.

An example set of documents has been attached to this Report (Appendix no. 3).

After 10 days from provision of the documents, a process of direct telephone discussions with the PAPs has been commenced, and it aimed at presenting effects of the investment on their situation and at provision of information on the properties acquired for the purpose of Task implementation, as well as at clarifying potential doubts related to contents of the LA&RAP.

None of the PAPs requested for submission of the LA&RAP by mail, and such a possibility was proposed to persons without an access to the Internet. One PAP requested that the LA&RAP be sent by e-mail to the indicated e-mail address (a set of documents was sent).

Publication of the Draft LA&RAP commenced officially on **October 26, 2020**, and was completed after 21 days on **November 16, 2020**.

Due to the great interest in the investment and the necessity to present detailed information to the residents of the Lesisko estate about the planned technical solutions related to the prepared pumping station, the Investor PGW Polish Waters RZGW in Cracow decided to prepare and

organize an additional on-line information meeting for the local community. For this purpose, a webinar was prepared on **30.10.2020**, to which residents of the Lesisko estate were invited (personally), as well as the local authorities of the Nowa Huta district and the City of Cracow. The meeting was organized in MS Teams interactive application and was directly related to the Works Contract 3A.6. During the meeting, the provisions of the agreement were discussed between the Investor and the Municipality of Cracow on the provision of priority protection of Lesisko thanks to the infrastructure planned to be built by PGW WP and 6 pump sets purchased under this Contract. Lesisko residents were informed about the meeting by the Consultant by delivering invitations directly into the mailboxes of each household located in the Lesisko estate. The meeting was also a fulfillment of the Investor's promise made to the residents of Lesisko, who in a letter of 12.05.2020, signed by 196 residents of Lesisko, raised concerns about the safety of the estate in connection with the planned change of the technical solution from a fixed pumping station to a mobile pumping station. The Investor replied to this letter on 12.05.2020. In this letter, the residents were informed about the technical parameters of the pumping station project equipped with 6 pump sets and the Investor made a declaration that he will take action to provide Lesisko residents with priority protection, and for this purpose he will sign a relevant agreement with the Municipality of Cracow. Hence, this meeting was also the fulfillment of the declarations made. The meeting with the residents was preceded by meetings with representatives of the Municipality of Cracow and the Nowa Huta district councilor.

A webinar was held on **November 18, 2020 from 5.00 p.m. to 7.00 p.m.**, during which Mrs Marta Rak, with the support of Mr. Maciej Rudnicki, gave a multimedia presentation:

1. The purpose and funding for the OVFMP was briefly discussed.
2. It was explained why the draft LA&RAP was developed and what the procedure for making it public was.
3. The issue of changing the investor was discussed, i.e. liquidation as of 31.12.2017, the Małopolskie Board of Amelioration and Water Structures in Cracow and appointing on 01.01.2018 a new entity - State Water Holding Polish Waters, which entered into the rights and obligations of the liquidated entity.
4. Information on Works Contract 3A.6 (technical scope related to the permanent acquisition of the properties and activities that will not require acquisition of the land) was presented.
5. Information was provided on the number of properties subject to permanent acquisition and restrictions on use by property category.
6. Legal basis for implementation of the LA&RAP was indicated.
7. Minimizing measures were discussed, with particular emphasis on the issue of purchasing the remnants.
8. Most attention was paid to legal regulations concerning the procedure of issuing the IPIP decision, payment of compensations, compensation agreement procedures, submission of appeals and conc. redress and grievance mechanism.
9. The participants of the meeting were informed about the possibility of filing an application for payment of an indisputable part of the compensation.
10. Information on temporary acquisition was presented.

After the end of the presentation, the webinar leader answered questions that were received during the period of publication of the draft LA&RAP, and then the questions submitted during telephone discussions with the PAPs.

The webinar was attended by **6 people** (some of them participated anonymously).

QUESTIONS RAISED AND ANSWERS GIVEN

During the consultation, in telephone conversations and question forms sent via e-mail or Polish Post, questions/groups of questions were asked or clarified and the following answers were provided:

1. **The biggest group of questions referred to the issues of property acquisition and compensation payment.** As the IPIP decision was issued in 2015 and became final in 2016, with the payment process continuing from 2017 and more than 80% of the compensation paid, callers asked whether additional expropriations were still planned to affect them.

Answer: The Consultant informed that there will be absolutely no need for additional permanent acquisition and the scope of the expropriations indicated in the decision of the Małopolskie Province Governor of 2015, which became effective on the date of the decision of the Minister of Infrastructure and Construction in 2016 (after considering the appeals submitted by the parties), does not change.

2. **PAPs (natural persons who are owners of plots adjacent to the Investment but not subject to acquisition) asked about the scope of works and the expected nuisance related to it.**

Answer: The Consultant informed about the scope of the works and the fact that nuisance at the stage of the works is to be considered, but thanks to the implementation of measures to minimize the impacts, as described in detail in the document entitled Environmental Management Plan, these impacts will be significantly reduced. The consultant encouraged to read the EMP document available on the websites of PGW WP RZGW in Cracow and the Project Coordination Unit.

3. **The PAPs asked about the investment elements/objects for which their properties would be applied, and about the amount of compensation for the planned acquisition of properties.**

Answer: The Consultant informed about the nature of the use/development of the properties, which belonged to PAPs and were taken over by the State Treasury. The Consultant also informed that the compensation is estimated by independent property valuers and its amount depends on the value of the property that was taken over for the benefit of the State Treasury and on the market prices from the period when the property value is estimated. More than 80% of the compensation has already been paid, and those cases where no payment has been made are now dealt with by the competent Minister and Governor.

4. **Two PAPs asked about the possibility of purchasing the remaining part of the property, so-called "remnant"?**

Answer: The Consultant informed about a possibility of purchasing so-called "remnants", if a part of a property was acquired (i.e. it is subject to permanent acquisition), and the remaining part is not fit for proper use for previous purposes (it was informed that those issues were described in detail in Chapter 8.2.4 of the LA&RAP). It was informed that the PAPs may apply to the Investor, i.e. PGW WP. The Consultant declared support in preparing such an application.

5. **PAPs also asked when it was planned to start construction works, was the**

Contractor already selected?

Answer: *The Consultant informed that according to the current schedule, the planned commencement of construction works is probably the second quarter of 2021, but this date may still change. The exact date of works commencement will be communicated to PAPs. The Contractor who will carry out the construction works has not yet been selected.*

6. **The Consultant was also contacted by a power company representative and asked about the numbers of plots in the use of the energy company, on which permanent restrictions on use will be imposed.**

Answer: *The Consultant provided information on the plot numbers and areas of permanent restriction of use.*

7. **One of the PAP informed that the succession proceedings have been completed and that he has documents confirming that he is a person entitled to compensation.**

Answer: *As the funds from compensation were deposited in the court deposit, information was sent to PAP on the further steps he should take to obtain compensation from the deposit.*

8. **One of the callers asked for information which trees among the trees marked with numbers 613 to 618 will be felled** (the Consultant marked the trees growing in the area of the investment with numbers) and asked for information on the scope of works that had already been carried out before, which concerned the section of the embankment at the Wandy bridge.

Answer: *The consultant informed PAP about the scope of the felling of trees with inventory numbers from 613 to 618:*

Inv. no.	Polish name	Latin name	Trunk diameter at height of 1.3 m	Felling
613	Carpinus Betulus	Acer platanoides	32	no
614	Carpinus Betulus	Acer platanoides	37	no
615	Carpinus Betulus	Acer platanoides	25	no
616	Carpinus Betulus	Acer platanoides	31	no
617	Carpinus Betulus	Acer platanoides	37	yes
618	Trembling Aspen	Populus tremula	69	yes

The PAP stated that this is a very good decision, especially for the tree number 618 because it has numerous offshoots and has already cut it down many times because it destroys the bed of the Lesisko stream and hinders water flow.

As regards the scope of works concerning the extension of the left flood embankment of

the Vistula river between the Dąbie barrage and Wanda Bridge, the PAP was informed that the dam body was extended by RZGW Kraków to parameters adjusted to the planned flood protection parameters of the currently planned reconstruction of subsequent sections of the dam under Contract 3A.1.

The anti-filtration barrier was made in the sections of the dam in question, and in the section of the dam with a length of about 260 m below the Wandy Bridge (the road embankment of Podbipięty Street) such a barrier was not made, as the protection is provided by the geotechnical parameters of the native soil located there.

9. **One of the PAPs informed about the sale of the property and that he no longer lives at the indicated address**, so he provided the information packet to the new owners of the property adjacent to the planned works.

10. The PAPs also informed about changing address data and expressed a will to provide telephone contact data. In such cases the Consultant updated address and telephone data of the PAPs on an ongoing basis.

During the period of publication of the draft LA&RAP, comments/questions from two persons (PAP) were also received via e-mail:

E-mail no. 1 of 06.11.2020 (continued in the e-mail of 13.11.2020)

PAP1 asked questions at the same time to the draft documents of EMP and LA&RAP. Due to the fact that the webinar on the draft EMP took place earlier, i.e. on 10.11.2020, at this meeting the PAP's questions were answered for the first time and on 12.11.2020 an answer was sent by e-mail.

PAP1 reiterated one's questions/conclusions by e-mail on 13.11.2020, which were again answered during the webinar on the draft LA&RAP on 18.11.2020.

The content of the PAP1's e-mail of 13.11.2020 is provided below together with the content of the reply during the webinar (reply will also be sent via e-mail in the near future as part of the completion of public consultations on the Draft Environmental Management Plan and the related correspondence).

The conclusion of PAP 1 "However, I maintain my comments, i.e.:

- 1) the construction of acoustic screens to protect residents from noise does not seem to be technically impossible because the surrounding the pumping station with screens from three sides is, in my opinion, possible and no "spatial restrictions" occur in this scope (quoted after your position). I would also like to mention that the experience to date ("latest" from 2019) shows that the operation of the pumps (24 hours a day for several days, i.e. "periodically and temporarily") has been effective in reducing the comfort of life of the residents, in particular affecting the quality of night-time rest (lack of sleep caused by noise);*
- 2) planting trees within the investment area (pumping station) is essential for the landscape and noise protection. I would like to point out that before the investment was carried out the area was (at present it is still partly) "wooded". In addition, the so-called replacement plantings, which you mention, (quote) "located about 1 km to the north-west of the northern border of the site" will not fulfil the above-mentioned roles (landscape and noise protection). The trees surrounding the pumping station will not "hinder service and maintenance activities". However, it can be an expression of concern for the natural*

*environment and the quality of life of the inhabitants of the City of Cracow.
For these reasons, I request as in the beginning."*

Answer given to PAP:

The Investor, in cooperation with the Consultant, has again analyzed the possible variants of implementing technical solutions allowing to solve the problem indicated by you. Considering the current conditions resulting from the decisions issued for this investment, the Employer will immediately take steps to establish, in cooperation with representatives of the City Office of Cracow, a final solution to resolve the issue presented by you. For this purpose, it is possible to use both soundproofing screens, as well as to replace the originally planned pumps with solutions that generate less noise. The target solution shall be implemented at the stage of 3A.6 contract execution or during the warranty period for defects. Due to the planned hand-over of the completed investment to the city, the target solution must be agreed with the Municipality of Cracow, as it will affect the manner and costs of maintenance of the constructed installation.

At the same time, the issue of the possible planting trees on the pumping station has been re-examined and, in this respect, it will not be possible to meet the PAP's expectations, the acquired land (due to the application of the principle of minimizing permanent occupation) is fully used for technical elements and there is no room for introducing tree plantings. An earlier reply to the PAP's remark/application indicated where the planting will be done.

Email no. 2 of 16.11.2020

PAP2 (This person asked questions to the Draft LA&RAP on 16.11.2020, some of the PAP's questions were anonymized for reasons of personal data protection).

Content of PAP2's e-mail of 16.11.2020 (reply was sent by e-mail on 18.11.2020)

"Please answer the following questions about the investment.

- 1. Does the plan for Land Acquisition and Resettlement Action Plan concern my property, i.e. plots no. XXX, XXX precinct 58 Nowa Huta?*
- 2. If so, to what extent?*
- 3. Please send to the e-mail address XXXXX the draft Land Acquisition and Resettlement Action Plan.*
- 4. Please send me a cross-section through the Lesisko canal (in the place where the canal is adjacent to my property) showing the slope grading along with the reinforcement with the fascine fences and the palisade.*
- 5. Please send me the Agreement between PGW WP and the Municipality of Cracow concerning the investment in question.*
- 6. Please extend the deadline for submission of applications and comments until 30.11.2020"*

Answer to question no. 1:

The document in question relates to the property covered by the decision of the Małopolskie Governor for a flood protection investment implementation consent no. 02/2015 of September 17, 2015, amended in the part concerning divisions of two real estates by the decision of the Minister of Infrastructure and Construction of 12.08.2016 ref. DLI.II.6621.184.2015.MZ.7 (final since August 12, 2016), which was covered, among others, by the property with the registration number XXXX, precinct 58 Nowa Huta. Under the decision in question, the property XXXX, precinct 58 Nowa Huta, was transferred to the State Treasury and now you, as a party to the

proceedings, are aware that a procedure is currently underway to determine the amount of compensation.

The plot XXXX, precinct 58 Nowa Huta, is not covered by the Land Acquisition and Resettlement Action Plan (hereinafter LA&RAP).

Answer to question no. 2:

The area of the property with the registration number XXXX, precinct 58, Nowa Huta will be used for implementing the Works Contract 3A.6 Construction of a pumping station for mobile pumps to drain the Lesisko complex, i.e. the bottom and slope of the Lesisko stream will be graded and reinforced.

Answer to question no. 3:

Attached, we send the draft LA&RAP to the indicated e-mail address.

Answer to question no. 4:

Attached we provide a section P11, whose location was indicated on a fragment of the location map. This section is located at the height of your property.

Answer to question no. 5:

The content of the Agreement signed on 30.07.2020 is attached.

Answer to question no. 6:

In accordance with your request, we extend the deadline for submission of applications and comments until 30.11.2020¹.

Furthermore, PAP 2 was invited again for a webinar concerning the Land Acquisition and Resettlement Action Plan for the Works Contract 3A.6 *Construction of a pumping station for mobile pumps to drain the Lesisko complex*. A link to the webinar and a "Step by Step" instruction was sent along with the attachments to the email.

After the Consultant and the Employer answered all of the questions, this Report was developed. Detailed data on the discussions and questions asked are given in files of particular PAPs kept by the PIO/Consultant.

During the publication process for the Draft Land Acquisitions and Resettlement Action Plan:

- 22 telephone discussions were made;
- 2 questions/applications were received via e-mail;
- interest in the document was also noted; downloads of files from websites given in the announcement was observed.

Remarks and motions provided during the debate have been analyzed in terms of necessary correction to the final version of the document. Considering the nature of remarks, motions, and questions asked during the consultations by the public in the publication period for the Draft LA&RAP to Contract 3A.6, the authors of the document concluded that its contents require minor modifications/corrections resulting from the publication procedure, but which do not change the substance of the document in question. Changes were made to the final version of the LA&RAP concerning, inter alia, the clarification of the scope/elements of the investment and the update of

¹ The Report on Consultations was closed on 24.11.2020, if further conclusions/remarks of PAP influence the final version of the LA&RAP, these changes will be introduced in the form of an Annex to the LA&RAP and, for reasons of a schedule of further activities, a final version with a date as in the LA&RAP has been prepared.

the compensation payments.

After supplementing the document with a report on the publication procedure, the final LA&RAP shall be submitted to the World Bank for the purpose of obtaining “No objection” clause.

This is the end of the report.

Report developed by:

Marta Rak

Attachments:

1. List of persons provided with information packets on the consultations (personal data anonymized).
2. Documented announcements.
3. Information packet on the consultation sent to the PAPs.