

# FINAL REPORT

## on the implementation of the actions set out in THE LAND ACQUISITION AND RESETTLEMENT ACTION PLAN

for

**Odra-Vistula Flood Management Project**

co-financed by:

World Bank, Loan No. 8524 PL

Council of Europe Development Bank (CEB), Framework Loan Agreement No. LD 1866

European Union (not applicable to Works Contract 3B.3)

and State Budget

**Subcomponent 3B: Flood Protection  
of Sandomierz and Tarnobrzeg**

**WORKS CONTRACT 3B.3**

***Flood Protection of Tarnobrzeg - Stage 1 (Vistula River 1)***

Version	Date	Prepared by	Reviewed by	Client's Approval	Description
I	02/12/2020	Marta Rak	Adrianna Siemionek-Ryszkowska	04.03.2020	

# ODRA-VISTULA FLOOD MANAGEMENT PROJECT

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## **FINAL REPORT** **on the implementation of the actions set out in** **THE LAND ACQUISITION AND RESETTLEMENT ACTION PLAN**

**Subcomponent 3B: Flood Protection of Sandomierz and Tarnobrzeg**

**WORKS CONTRACT 3B.3 Flood Protection of Tarnobrzeg - Stage 1 (Vistula River 1)**

The final report on the implementation of the actions set out in the Land Acquisition and Resettlement Action Plan was drawn up by the Technical Support Consultant AECOM Polska Sp. z o.o. for Contract 3B.3 implemented by the Podkarpackie Board of Amelioration and Hydraulic Structures in Rzeszów and approved by the Client.

As of January 1, 2018 on the basis of the Water Law Act of July 20, 2017 (consolidated text Journal of Laws of 2018, item 2268 as amended) a state legal entity was established under the name of the State Water Holding Polish Waters. From this day on, the State Water Holding Polish Waters, the Regional Water Management Authority in Rzeszów has been the Client after liquidated by above mentioned Act the Podkarpackie Board of Amelioration and Hydraulic Structures in Rzeszów, hence the Client should be understood as the State Water Holding Polish Waters, the Regional Water Management Authority in Rzeszów.

The ex-post evaluation was conducted six months after the LA&RAP fully implementation and its objectives have been assessed and provide documented evidence that all the commitments/actions in the LA&RAP were implemented and that each affected unit (e.g. family, individual, business) received compensation and that its living conditions have been improved, or at least restored.

### **PROJECT IMPLEMENTATION UNIT:**

State Water Holding Polish Waters

Regional Water Management Authority in Rzeszów

17B. Hanasiewicza Street, 35-103 Rzeszów

Prepared by:

State Water Holding Polish Waters

Regional Water Management Authority in Rzeszów

OVFMP PIO

AECOM Polska Sp. z o.o.

Rzeszów – February 2020

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## Abbreviations applied in the document

Name	Description
World Bank (WB)	International Bank for Reconstruction and Development (IBRD)
PCU	Odra-Vistula Flood Protection Project Coordination Unit
CEB	Council of Europe Development Bank
Engineer - Consultant	AECOM Polska Sp. z o.o.
PIO	Project Implementation Office - An organizational unit responsible for the Project implementation allocated as part of PIU
PIU/Employer/Client (to Dec.31, 2017.)	Podkarpackie Board of Amelioration and Hydraulic Structures in Rzeszów
PIU/Employer/Client (since Jan. 1, 2018.)	State Water Holding Polish Waters Regional Water Management Authority in Rzeszów / Odra - Vistula Flood Management Project Implementation Unit
Contract/Task	Works Contract 3B.3 Flood Protection of Tarnobrzeg - Stage 1 (Vistula River 1)
LA&RAP	Land Acquisition & Resettlement Action Plan
LA&RPF or RPF	Resettlement Policy Framework
OP 4.12	Operational Policy containing the main principles and procedures underlying the WB approach to involuntary resettlement related to investment projects
PAP	Project Affected Person(s)
PGWWP	State Water Holding Polish Waters
IPIP	Investment project implementation permit
Project/OVFMP	Odra - Vistula Flood Management Project
PZMiUW	Podkarpackie Board of Amelioration and Hydraulic Structures in Rzeszów
RZGW	Regional Water Management Authority in Rzeszów
Contractor	Company/legal person executing Works Contract 3B.3
Special Flood Act (SFA)	Law of July 8, 2010 on particular conditions for preparing flood management projects for implementation within the scope of flood facilities (consolidated text, Journal of Laws of 2019, item 933)
Special Decision	Investment project implementation permit (IPIP) issued under the Special Flood Act

## 1. INTRODUCTION

The Final Report on the implementation of the LA&RAP has been developed in accordance with the requirements of the provisions of the Project Operations Manual to document the process of land acquisition and the evaluation of whether it meets the requirements of OP 4.12 or if there are any inadequacies that must still be filled in.

This document presents the report on the implementation of the actions scheduled in the Land Acquisition and Resettlement Action Plan (LA&RAP) for the Works Contract 3B.3 Flood protection of Tarnobrzeg – Stage 1 (Vistula River 1) implemented as part of the Odra – Vistula Flood Management Project (OVFMP), co-financed by the International Bank for Reconstruction and Development (World Bank or WB), Council of Europe Development Bank (CEB) and State Budget.

This Task was performed in the town of Tarnobrzeg, the Podkarpackie Province. It involved the extension of the Vistula River right embankment on the section of ca. 9.9 km at the Vistula River chainage km 255+000 – 264+760 (km 5+950 – 15+819 of the embankment). The location of the Task is shown on a graph attached (Attachment No. 1 hereto).

### Key dates of the Contract implementation:

The date of signing the Contract:	Dec. 29, 2016
The date of handing over the construction site:	Jan. 01, 2017
The date of commencement of Works:	Jan. 23, 2017
The date of completion of Works:	May 30, 2018
The date of completion of Defects Liability Period:	May 30, 2021

### Scope of implemented Task:

- increasing height of the embankment by 1.5 - 1.8 m and width including compaction of the embankment body,
- sealing the embankment body and base by constructing filtration barrier approx. 10 m deep (at km 5 + 950 - 15 + 700), using DSM process,
- sealing the waterside slope by means of calendered film 1.50 mm thick, covered by a layer of soil, which will be used for construction of the embankment's body as well,
- repair of existing service roads and construction of new ones on embankment sections without service roads so far,
- constructing a process lane on the riverside of the embankment,
- renovation of 15 embankment's crossings, width of 3.5 – 4.0 m with gravel surface and 2 with bituminous concrete surface,
- protection of two embankment locks with diameters 800 and 1400 mm (at km 8+290 and 12+866 of the embankment), outlet of rain water pumping station with diameter of 812 mm (at km 13+840 of the embankment) and outlet of Waste Water Treatment Plant with diameter of 2x1600 mm (at km 9+589 of the embankment).

**Table 1.** Parameters of the embankments after the extension.

Characteristic parameters	Value
The length of the extended embankment	ca. 9.9 km
The width of the top (crown) of the embankment	3.0 m
Slope ratio on the water side	1:2.5
Slope ratio on the dry side	1:2.0
The width of the embankment's berm on dry side	3.5 m
The width of the maintenance lane	4.0 m

The extension of embankments improved flood protection in the area of Tarnobrzeg and adjacent housing estates: Dzików, Zakrzów, Sielec and Wielowieś, that is provided the protection to 7,800 residents living in the area of ca. 4,846 ha, as well as other buildings and line structures.

In the area covered by the project, the following structures has been protected against flood effects: ca. 4,100 residential and farming buildings, sewage treatment plant, ca. 80 industrial plants, including the biggest ones in the region and the Pilkington Automotive Glassworks, employing around 3,900 people. Moreover, the protection included the Historic Dominican Monastery Complex. Secured municipal infrastructure includes power supply networks, telephone, gas, water supply and sewage networks. In addition, the implementation of the Contract contributed to the protection of the right-bank part of the town of Sandomierz. The completed Task is therefore supra-regional.

The implementation of the Task required the purchase of land, but it did not cause physical or economic resettlement of households. The completed Task had a positive impact on the society.

Below are the addresses of websites, where information on the implementation of this Task and related Tasks were published. All completed and planned to implement the Task (including Works Contracts 3B.2 and 3D.1) have a huge social impact providing protection against the flood of this area:

1. <http://www.gminagorzycy.pl/j3/index.php/serwis-tematyczny/gmina/2981-rusza-modernizacja-walow-przeciwpowodziowych>
2. [https://www.wnp.pl/budownictwo/na-podkarpaciu-przebuduja-16-km-walow-przeciwpowodziowych,342484\\_1\\_0\\_0.html](https://www.wnp.pl/budownictwo/na-podkarpaciu-przebuduja-16-km-walow-przeciwpowodziowych,342484_1_0_0.html)
3. <http://www.gorzycy.itl.pl/j3/index.php/informacje-o-sp-723788140/archiwum-strony/61-informacje/2680-rusza-remont-walow-doliny-wisly-i-sanu>
4. <https://www.radio.rzeszow.pl/wiadomosci/20367/remont-walow-rzecznych-od-zalesia-gorzycyckiego-po-granice-woj-lubelskiego>
5. <https://echodnia.eu/podkarpackie/w-tarnobrzegu-bedzie-spotkanie-w-sprawie-remontu-walu-trzesniowki/ar/9590326>
6. <https://echodnia.eu/podkarpackie/powodz-juz-niestraszna-w-trzesni-zbudowano-nowa-przepompownie-wal-trzesniowki-gruntownie-przebudowano-zdjecia/ar/13715592>
7. <http://leliwa.pl/gorzycy-rusza-kolejna-rozbudowa-walow-przeciwpowodziowych/>
8. <https://nowiny24.pl/region-nie-jest-przygotowany-do-powodzi/ar/5902859>
9. [http://www.przetargi.egospodarka.pl/553874\\_Ochrona-przeciwpowodziowa-Tarnobrzegu-Wisla-Etap-2-Rozbudowa-prawego-walu-rzeki-Wisly-na-dl-13-959-km-prawego-walu-rzeki-San-na-dl-2-193-km-oraz-lewego-walu-rzeki-Leg-na-dl-0-112-km-na-terenie-gm-Gorz\\_2018\\_2.html](http://www.przetargi.egospodarka.pl/553874_Ochrona-przeciwpowodziowa-Tarnobrzegu-Wisla-Etap-2-Rozbudowa-prawego-walu-rzeki-Wisly-na-dl-13-959-km-prawego-walu-rzeki-San-na-dl-2-193-km-oraz-lewego-walu-rzeki-Leg-na-dl-0-112-km-na-terenie-gm-Gorz_2018_2.html)
10. <https://samorząd.infor.pl/wiadomosci/669194,Sandomierz-Zakonczone-remont-walu-przeciwpowodziowego-na-Trzesniowce.html>
11. <https://itwwisla.tv/wielki-dzien-w-zalesiu-gorzycykim-kolejne-inwestycje-przeciwpowodziowe/>
12. <https://itwwisla.tv/nigdy-wiecej-powodzi-poteczne-inwestycje-w-gorzycach/>
13. <https://itwwisla.tv/zabezpieczaja-przed-powodzią/>
14. [https://www.facebook.com/search/top/?q=rusza%20remont%20wa%20C5%82%C3%B3w&epa=SEARCH\\_BOX](https://www.facebook.com/search/top/?q=rusza%20remont%20wa%20C5%82%C3%B3w&epa=SEARCH_BOX)

## **2. A SUMMARY OF THE MAIN ACTIONS IMPLEMENTED IN THE CONTRACT**

### **2.1. Overview of Project's objectives**

The largest and most severe flood that occurred in 2010 caused serious damage to private and public assets and to road infrastructure and sewerage facilities in the area, where the Works Contract 3B.3 has been implemented. Effects of the flood were especially suffered by the Town of Tarnobrzeg (including estates of Wielowieś, Sobów, Dzików, and Zakrzów). 1,600 households suffered damages within the town. The number of sufferers in the Town of Tarnobrzeg was 5,200. Damage to the road infrastructure in the town was done at 71 sections of district roads over a total length of 84.30 km, and it reached PLN 13 207 000.00. 2 bridges and footbridges were damaged in total for the estimated amount of PLN 1 110 000.00. Damage to water-piping facilities amounted to PLN 5 000 000.00, whereas in case of the sewerage facilities – to PLN 27 888 095.00<sup>1</sup>. A waste treatment plant in Tarnobrzeg – located within the Zakrzów Estate – was flooded during the flood. The treatment plant has been deactivated after the flood for the time of removing the damage; thus, untreated wastewater from the town was discharged to the River Vistula beyond the treatment plant's facilities. The protected areas, e.g. Tarnobrzaska Dolina Wisły – about 25 km<sup>2</sup>, have also suffered damage due to the flood<sup>2</sup>.

The purpose of the 3B.3 Works Contract was to protect Tarnobrzeg and the adjacent areas, up to the town of Koćmierzów, which it provided the extension of the Vistula River right embankment section ca. 9.9 km at the Vistula River mileage 255.000 – 264.760 (km 5+950 – 15+819 of the embankment), i.e. from Tarnobrzeg (Skalna Góra) to Koćmierzów at the border of Podkarpackie and Świętokrzyskie Provinces.

Due to implementation of the Works Contract 3B.3 the entire area, where residential houses and technical infrastructure have been developed since 2010, is currently protected against floods.

The beneficiaries of the Contract have been all residents of this area, including natural persons, legal entities as well as local government units possessing plots or assets in this area.

### **2.2. Information on the Client's undertaken administrative activities and the Contractor's civil and legal actions, obtained decisions and the stage of their implementation**

For the subject Task, the Client obtained the following environmental and water management decisions:

1. The environmental decision of the Regional Director for Environmental Protection in Rzeszów of September 29, 2013 (file ref. WOŚ.4233.19.2013.GJ-95) for the Investment project: Vistula River – Stage 1 – the extension of the right embankment at km 5+950 – 15+819 section from Tarnobrzeg (Skalna Góra) to Koćmierzów (the border of the Podkarpackie and Świętokrzyskie Provinces)". The decision became final on October 25, 2013;
2. Decision of the Regional Director for Environmental Protection in Rzeszów of April 14, 2014 on development conditions for the Investment Project: 'Vistula River – Stage 1 – the extension of the right embankment at km 5+950 – 15+819 section from Tarnobrzeg (Skalna Góra) to Koćmierzów (the border of the Podkarpackie and Świętokrzyskie Provinces)'. The decision became final on April 29, 2014;

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<sup>1</sup> Source: "The flood of 2010 - causes and effects" - prepared by the Provincial Inspector for Environmental Protection in Rzeszów.

<sup>2</sup> Source: the document called "The characteristics of the task planned for implementation as part of the Odra and Vistula Flood Management Project", made available by PZMiUW in Rzeszów.

3. Decision of the Marshal of the Świętokrzyskie Province of February 17, 2014 on the water legal permit (file ref. OWŚVII.7322.80.2013) for the task 'Vistula River – Stage 1 – the extension of the right embankment at km 5+950 – 15+819 section from Tarnobrzeg (Skalna Góra) to Koćmierzów (the border of the Podkarpackie and Świętokrzyskie Provinces)'.
4. Decision of May 20, 2014 on the assignment of the decision mentioned in Para. 1 above onto the Podkarpackie Province.

For the subject Task, the Investor obtained the following decisions in the scope of permissions for the Investment implementation and properties:

1. Decision No. 4/14 of the Voivode of the Podkarpackie Province of December 8, 2014 on the Investment Project implementation permit within flood management structures (Ref. No I-IX.7820.3.2.2014). There was no appeal to this decision and it became final on January 14, 2015. This decision resulted in expropriation of 284 properties, or parts thereof, with a total combined area of 11.4415 ha;
2. Decision No. 3/16 of the Tarnobrzeg City Mayor of March 14, 2016 on granting a permit for the demolition of a utility building (file ref. UAB-III.6741.2.2016). The decision became final on May 11, 2016;
3. Decision No. 1/2016 of the Voivode of the Podkarpackie Province of March 30, 2016 on the Investment project implementation permit within flood management structures (file ref. I-IX.7820.3.1.2016). There was no appeal to this decision and it became final on May 6, 2016. This decision resulted in expropriation of 12 properties, or parts thereof, with a total combined area of 0.0894 ha;
4. Decision No. 2/2016 of the Voivode of the Podkarpackie Province of October 21, 2016 on the Investment project implementation permit within flood management structures (file ref. I-IX.7820.3.2.2016). There was no appeal to this decision and it became final on November 30, 2016. This decision resulted in expropriation of 1 property in full with a total combined area of 0.4128 ha; and
5. Decision of the Voivode of the Podkarpackie Province of January 25, 2018 (file ref. N-VIII.7820.3.1.2018, I-IX.7820.3.2.2014/2017) changing the decision No. 4.14. There was no appeal to this decision and it became final on February 10, 2018. This decision resulted in expropriation of 1 property in full with a total combined area of 0.0505.

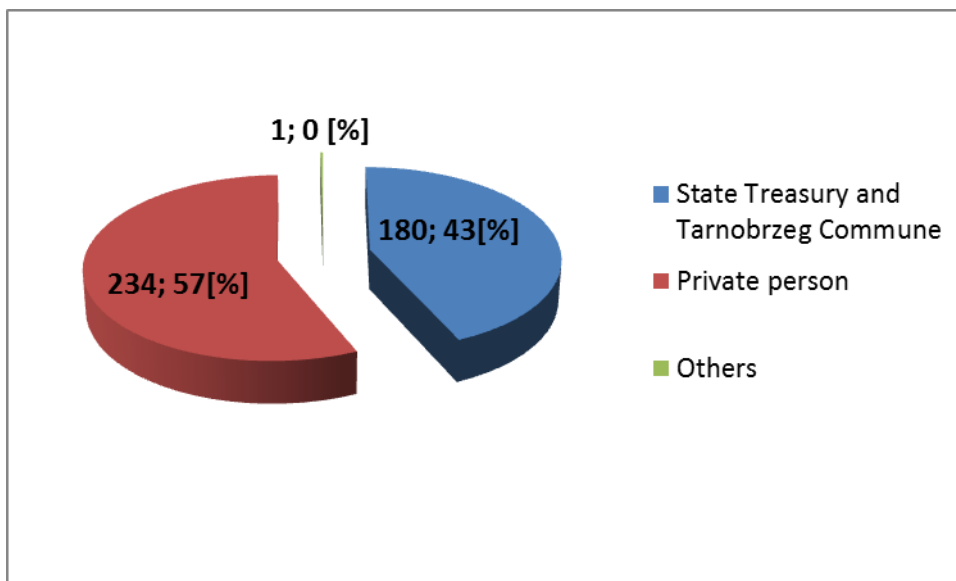
In case of the Task in question the Investor developed a draft LA&RAP, which was subject to public consultations from 09/30/2016 to 10/21/2016 (inclusive). After providing the document for review for 21 days, an open meeting for all of the interested parties was held in the conference hall of the Town Hall of Tarnobrzeg, 32. Kościuszki Street, 39-400 Tarnobrzeg, on 10/24/2016, at 4:30 p.m., where information on the draft LA&RAP was presented and a public discussion on that document took place. Remarks and reservations filed before the debate or during that meeting have been included in the Final Version of the LA&RAP. The World Bank's "No Objection" was obtained for that document. Provisions under the LA&RAP were implemented throughout the performance period for the assembly and construction works.

In total, within the implementation of the Works Contract 3B.3, 415 properties are subject to permanent occupation, of which 234 properties belonged to natural persons (56.39%), and the remaining 181 to the State Treasury, Tarnobrzeg Commune and limited liability company<sup>3</sup>. The total area of permanent occupation is 35.6336 ha, of which only 14.08% of the area, i.e. 5.0157 ha belonged to natural persons.

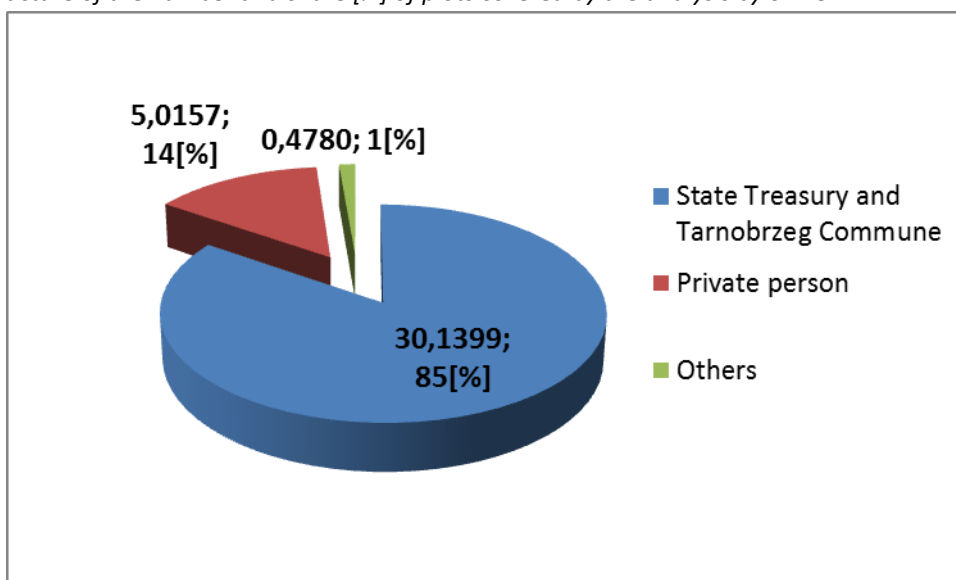
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<sup>3</sup> The property is included in the charts in the "Other" category.





**Chart 1.** Structure of the number and share [%] of plots covered by the analysis by owner.



**Chart 2.** Structure of the plots' area (in ha and share [%]) covered by the analysis, by owners.

For 2 properties the perpetual usufruct was expired on the properties owned by the State Treasury. Furthermore, there is permanent limitation to the use of two properties belonging to real estate assets of the State Treasury and Tarnobrzeg Commune which were not used for agriculture by any third parties. The limitation arises from the Decision No. 4/14 of the Voivode of the Podkarpackie Province of December 8, 2014 on permission for the implementation of flood protection structures (file ref. I-IX.7820.3.2.2014). One of the properties (owned by the Tarnobrzeg Commune) was limited due to the necessity to periodically install (during high waters flow) mobile flood protection locks at km 15+700 to km 15+819 of the embankment, i.e. at the intersection of the embankment with a public road. At the stage of the use of the developed infrastructure, in the event of meteorological announcements informing on an approaching flood wave, PGWWP RZGW in Rzeszów will install stop-log gate which will prevent the use of a local road but at the same time will prevent flooding on the side protected by the embankment by waters flowing in the Vistula River terrace area. The second limitation applies to the part of the plot owned by the State Treasury where an outlet of storm water canal is located. The total area of permanent limitation amounts to 1140 m<sup>2</sup> (0.1140 hectares) and applies only to sections of these two properties, which are:

- in case of Plot No. 62, AM12, Tarnobrzeg Precinct (ownership: the State Treasury according to the Register of Land and Buildings) 0.0640 ha of the total area of 2.0141 ha (permanent limitation to the way of use applies to 3.18% of the Plot area);

- in case of Plot No. 292, AM12, Tarnobrzeg Precinct (ownership: the Tarnobrzeg Commune according to the Mortgage Registers No. TB1T/00075069/8) 0.0500 ha of the total area of 0.4087 ha (permanent limitation to the way of use applies to 12.23% of the Plot area).

Additionally, pursuant to the decision No. 3/16 of the Tarnobrzeg City Mayor of 14 March 2016 (ref. No. UAB-III.6741.2.2016) approving of the construction design and granting permit for the demolition of a utility building colliding with the route of the embankment under extension and located on plots No. 803/1 and 803/2 within Sielec, the Employer obtained a permission for a temporary occupation of one plot No. 803/1 owned by a natural person. This occupation is connected with the necessity of demolishing a utility building for which compensation has already been reimbursed. On January 18, 2016, PZMiUW signed a civil-law agreement with the owner of the plot under question, under which PZMiUW obtained the Owner's consent for a temporary occupation of the plot. An independent property appraiser performed an appraisal study which constituted a basis for disbursing compensation for real property occupation before commencing demolition works. Demolition works were performed, and the real property, having been cleaned up, was returned to the Owner.

Regardless of the temporary occupation of the plot No. 803/1, the Contractor, by its own endeavours, received for temporary occupation 7 real properties of the total area of 2.8913 ha. This occupation took place on the basis of voluntary agreement between the Owner of the property and the Contractor. The Agreements were made available to the Client. Upon completing the works, the Contractor reinstated the property to its previous condition or to a condition which has been set by the parties in a statement granting permission for temporary occupation and returned to the legal Owners. The Contractor has also settled issues regarding the payment of compensation. Specification of the subject properties was presented in Table 2.

**Table 2.** Specification of real properties obtained by the Client (1 plot) and Contractor for temporary occupation.

No.	List of plots/Plot No.	Plot's Owner	Plot's area (ha)	Contract of use (Y/N)	Period of temporary occupation	
					Start (M/Y)	End (M/Y)
1	803/1*	1	0.0300	Y	01/18/2016	05/16/2017
2	360/5	1	0.2000	Y	01/05/2017	05/30/2018
3	41	1	0.2000	Y	01/05/2017	05/30/2018
4	304	1	0.2568	Y	02/14/2017	12/31/2017
5	1040/1	1	0.7698	Y	02/20/2017	05/30/2018
6	1040/3	1	0.5166	Y	02/20/2017	05/30/2018
7	306/2	1	0.8481	Y	03/24/2017	12/31/2017
8	169/8	1	0.1000	Y	03/01/2017	05/31/2017
<b>TOTAL</b>		<b>8</b>	<b>2.9213</b>			

\* a real property subject to temporary occupation pursuant to the Decision No. 3/16 of Tarnobrzeg City Mayor of 14 March 2016 approving of the construction design and granting permit for the demolition of a utility building colliding with the route of the embankment under extension and located on plots No 803/1 and 803/2 within Sielec (file ref. UAB-III.6741.2.2016).

Pursuant to Art. 526 of the Act of July 20, 2017 on Water Law (Journal of Laws of 2017, item 1566, as amended), the National Water Management Authority, the Regional Water Management Board in

Rzeszów took over the tasks of the Marshal of Podkarpackie Province as the Client of the Works Contract 3B.3 Flood protection of Tarnobrzeg – Stage 1 (Vistula River 1). Consequently, (pursuant to Art. 258 Para. 10 and Para. 7, section 2 of the aforementioned Act) on April 12, 2018 the National Water Management Authority, the Regional Water Management Board in Rzeszów filed a motion to the Voivode of the Podkarpackie Province on the basis of which on May 9, 2018 the Voivode issued a decision (file ref. N-VII.7533.6.4.2018) which stated that the National Water Management Authority represents and exercises the ownership rights of the State Treasury towards the real properties expropriated under the law on which the flood preventing infrastructure was developed within the Task 'Vistula River – Stage 1 – the extension of the right embankment at km 5+950 – 15+819 section from Tarnobrzeg (Skalna Góra) to Koćmierzów (the border of the Podkarpackie and Świętokrzyskie Provinces)'. As far as the area of 2 properties enlisted in the decision of May 9, 2018 is concerned, it was corrected by the decision of the Voivode of the Podkarpackie Province of May 22, 2018 (file ref. N-VII.7533.6.4.2018).

A summary of the number of real properties under occupation or temporary limitation is presented in the table below.

**Table 3.** A summary of the number of real properties under occupation or temporary limitation.

	Total number of ha	Total number of plots	Public Plots	%	Private Plots	%	Physical resettlement	Economic resettlement
Permanent occupation (ownership: State Treasury, representation of the National Water Management Authority)	23.5091	117	117	100%	0	0%	-	-
Permanent occupation (expropriation on behalf of the State Treasury, representation of the National Water Management Authority)	12.1245	298	64	21%	234	79%	0	0
Expiry of perpetual usufruct on plots of the State Treasury	0.0840	2	2	100%	0	0%	0	0
Permanent limitation of use	0.1140	2	2	100%	0	0%	-	-
Temporary occupation (the Client)	0.0300	1	0	0%	1	100%	-	-
Temporary occupation (the Contractor)	2.8913	7	0	0%	7	100%	-	-

**The acquisition of the real properties was performed subject to the operational policy OP 4.12 and in line with the rules defined in the LARPF and LA&RAP.**

### 2.3. A summary of activities regarding the reimbursement of compensation

The process of acquiring real properties, in particular reimbursement of compensation, was monitored once the Investment Project Implementation Permit (IPIP) decision had been made and until the works were completed and the properties under temporary occupation returned. The Table below presents the scope of monitored indicators and results.

**Table 4.** A summary of key indicators monitored in reference to the Contract 3B.3 fulfilled by the State Water Holding Polish Waters, the Regional Water Management Authority in Rzeszów<sup>4</sup>.

Indicator	Source of Information	Frequency of monitoring	Indicator
Number of people at risk of flood before Contract realization	Data from model tests	One time at the investment preparation stage	ca 7 800 people
Number of people protected against the flood	Registers of RZGW / Consultant	Once upon completion of the Contract	ca 7 800 people
Number of hectares of land threatened by flood before Contract realization	Data from model tests	One time at the investment preparation stage	ca 4 846 ha
Number of hectares of land protected against the flood	Registers of RZGW / Consultant	Once upon completion of the Contract	ca 4 846 ha
Number of real properties subject to expropriations	IPIP decisions	One time upon issuing the decision	298* pcs.
Number of properties subject to permanent limitation	IPIP decisions	One time upon issuing the decision	2 pcs.
Number of properties subject to temporary occupation (obtained by the Client)	A decision to demolish	One time upon issuing the decision	1 pc
Number of properties subject to temporary occupation (obtained by the Contractor)	Contractor's Registers	In the period of temporary occupation	7 pcs.
Number of PAP: - legal land owners - Holder of usufruct rights - Owner – like possessors of properties that can receive title - Others (if any)	Land and Mortgage Register, excerpts from Register of Land and Buildings, IPIP decisions, decisions on compensation amounts	One time upon issuing the decision Continuous updates in the period of settlements and reimbursement of compensations	313** people
Amount of all the expenditures on compensation	Registers of the Client	Continuously in the period of implementation	PLN 1 153 413.83
Amount of all the expenditures on the LA&RAP implementation	Registers of the Client	Continuously in the period of implementation	PLN 1 246 640.53
Number of acquired properties	Registers of the Client / Consultant	Continuously in the period of implementation	415 pcs.
Number of properties subject to temporary occupation and returned to the owners in good condition	Registers of the Client / Consultant	Continuously in the period of implementation	8 pcs.
Number of complaints	Registers of the Client / Consultant	Continuously in the period of implementation	1*** pcs.

\* this number has changed in relation to the value 299 presented in LA&RAP due to the corrected information about the ownership of one of the plots (in the actual state belonging to the State Treasury)

<sup>4</sup> Economic and financial situation of the PAPs has not been examined due to the fact that there were no physical or economic resettlements – the PAPs live in their household and the Task did not affect the income level.

\*\* this number may change after the end of the payment of compensation from the court escrow

\*\*\* complaint related to temporary occupation, the complaint was considered positively for PAP (details of this complaint are described below)

Out of the 298 properties affected, only 109 were used for agricultural purposes, and out of these only 30 lost more than 20% of productive area and in most cases (except 10) – the remaining area of plot after the expropriation is less than 0.5 ha and the area continues to be economically viable. In the aforementioned 10 cases, the owners stated in the questionnaires that despite the area that remained, there will be no impact on the level of their income (since agriculture is not their main source of income). The compensation paid – as established by independent assessors at the level of market prices – allowed all willing parties for purchasing farm land of a similar economic potential. After implementation of the Works Contract 3B.3 the PAPs' standard of living has been restored or improved, as all people living in the area, where the embankments have been redeveloped, were protected against a flood, which might have posed a threat not only to their properties, but also to their lives.

It should be stressed that in the process of developing the LA&RAP, the questionnaires were sent to the owners of 75 properties to investigate the impact of the Task on the quality of living of the PAP. All respondents stated that permanent occupation of their properties did not affect income levels in their households.

Once the LA&RAP decision had been issued and had come into force, PAPs received Client's offers regarding the reimbursement of compensations for the expropriated properties in the amounts resulting from appraisal reports prepared by an independent property appraiser. Positive response was obtained from 234 owners/co-owners/perpetual usufruct holders of properties, whereof in 216 cases compensations could be reimbursed in full, and in the remaining 18 cases — in part due to unregulated ownership status. Also due to the unregulated legal status, partial compensation was reimbursed for the expiry of perpetual usufruct in 2 plots owned by the State Treasury.

In the case of 84 properties, after an ineffective attempt to settle the amount of compensation (due to the lack of consent to the amount of compensation offered by the Client or unregulated legal status of a property), the cases were brought before the Voivode of the Podkarpackie Province.

All proceedings before the Voivode have already been completed. None of the PAPs appealed to a higher court from the Voivode's decision which settled the amounts of compensation.

In the case of 29 owners/co-owners, once the Voivode's decision on the amount of compensation came into force, the compensations were reimbursed to the former owners' or co-owners' bank accounts.

In the case of 60 properties (43 amounts), the Client, on the basis of Voivode's legal decisions on the amount of compensation, filed motions to the court for placing the compensation in the court escrow and at the same time, paid the funds to the escrow account (in accordance with the relevant special procedure described in the LA&RAP). In the case of 4 plots, the amounts from the court escrow were paid to the new, legitimate owners.

**To sum up, all compensations for 298 properties expropriated under the Project have already been paid – directly to PAPs or to the court escrow.**

**In case of 117 properties it was not needed to pay compensation, as those properties have already remained assets of the State Treasury before commencement of implementation for the Works Contract 3B.3.**

Details regarding the payment of compensations are presented in Attachment No. 2 to the Final Report.

**Table 5.** Summary of the costs of implementing the LA&RAP.

Item	Quantity	Amount
Compensation for permanent occupation, including plantings and infrastructure components	35.6336 ha	1 153 398.83 PLN

Item	Quantity	Amount
Compensation for temporary occupation obtained by the Investor	1 property	<b>15 PLN</b>
Purchase of remnants	0 property	<b>0 PLN</b>
Court fees **	N/A	<b>69 756.86 PLN</b>
Others implementation costs of LA&RAP ***	N/A	<b>23 118.96 PLN</b>
<b>TOTAL</b>		<b>1 246 289.65 PLN</b>

\* see below

\*\* fees from submitted applications, press advertisements and curator's remuneration

\*\*\* cost of preparing appraisal reports

The sources of financing for the costs indicated above were funds from the International Bank for Reconstruction and Development, the Council of Europe Development Bank and the State Budget.

Compensation was paid by the Investor, i.e. PGWWP RZGW, by transfer from the PGWWP RZGW account to the indicated PAP bank account or to the deposit account.

As part of information activities carried out in accordance with the provisions of the LA&RAP, people affected by the Project (PAP) were informed about the possibility of applying for the purchase of the remaining part of the property (called "remnants"), if after the division of the property and taking part of it for Contract, the remaining part will not be suitable for further use for the existing purposes.

Five (5) persons moved for such purchasing, however, upon investigating the applications no legal premises were found for such purchasing (none of the cases fulfilled the requirements of Art. 23 sec. 2 of the Special Flood Act (July 8, 2010). Detailed information in that range have been presented in Chapter 3.3.

The total amount of compensation for expropriated properties and one property subject to temporary occupation equals PLN 1 153 413.83<sup>5</sup>. Compensations, in line with the WB operational policy OP 4.12, in all cases where the payments could be made towards former owners/perpetual usufruct holders, had been paid prior to the commencement of works, i.e. January 23, 2017. If there were no persons entitled to receive the compensation, due amounts were paid to the court escrow. These funds are available and will be immediately paid to eligible persons.

## 2.4. The scope of completed works

The task involved the extension of the right embankment of Vistula River at km 5+950 – 15+819 (chainage of the embankment). The extension improved flood protection in the area of Tarnobrzeg and within the districts of the housing estates: Dzików, Zakrzów, Sielec and Wielowieś.

The scope included:

- increasing the height of the embankment crown by 1.5 – 1.8 m with compaction,
- sealing of the embankment's body and base through installation of a cut-off wall with the depth of approx. 10 m (at km 5+950 – 15+700 of the embankment) by DSM method,
- sealing of the water side of the embankment using calendered sheet 1.50 mm thick covered with a layer of soil also used for the construction of the embankment body.
- repair of existing service roads and construction of the new ones, in the sections of the embankment where there were no such roads before.
- construction of a maintenance lane on the water side of the embankment.

<sup>5</sup> The amount resulting from the performed appraisals and the decision establishing the amount of compensation issued by the Voivode.

- reconstruction of 14 embankment crossings with a gravel surface or in two cases – an asphalt surface with the width of 3.5 m – 4.0 m.
- Protection of 2 embankment locks with the diameter of 800 and 1,400 mm (at km 8+290 and 12+866 of the embankment), storm water pumping stations outlets with the diameter of 812 mm (at km 13+840 of the embankment) and sewage treatment plant with the diameter of 2x1600 mm (at km 9+589 of the embankment).

In accordance with the opinion of the Provincial Heritage Conservator dated December 27, 2013 (ref. UOZ-T-3.5133.34.2013)<sup>6</sup> archaeological supervision was carried out during construction works in the vicinity of the identified archaeological site in the housing estate of Sielec.

The local community did not put forward any complaints to the Engineer during the construction works. To the Employer was addressed only one complaint about the temporary occupation. This complaint was solved to the satisfaction of PAP (a detailed description of the complaint is indicated below). The task has been positively received by the local residents since the beginning of its implementation, because the extension of the embankment protects their lives and property against flood that may occur in the future.



**Photo 1. The reconstruction of the embankment (km 3+600, as agreed with the Catchment Board in Sandomierz in accordance with the building design at km 9+550) (source: own resources of Aecom Polska Sp. z o.o.).**

<sup>6</sup> The Provincial Heritage Conservator, in the opinion of Dec. 27, 2013 (ref. UOZ-T-3.5133.34.2013), advised that "in the vicinity of the Vistula river embankment, in the town of Sielec, there is an archaeological site listed in the Archaeological Artefact Register. Therefore, archaeological supervision should be provided during any construction works in this area".



Photo 2. The reconstructed embankment culvert (outlet from the sewage treatment plant at km 9+589 – chainage in line with the building design) (source: own resources of Aecom Polska Sp. z o.o.).



Photo 3. Part of the crown and water side slope of the embankment, ca. at km 9+500 in line with the building design (source: the Contractor's Monthly Report).





**Photo 4. Works completed in the vicinity of the residential area (km 12+800 – 13+400 in line with the building design) (source: the Contractor's Monthly Report).**



**Photo 5. Works completed in the vicinity of the residential area (km 7+500 – 7+700 in line with the building design) (source: the Contractor's Monthly Report).**



Photo 6. Works completed in the vicinity of the residential area (km 8+200 – 8+300 in line with the building design) (source: own resources of Aecom Polska Sp. z o.o.).



Photo 7. The extended embankment (km 9+535 in line with the agreement with the Catchment Board in Sandomierz in line with the building design km 15+485) (source: the Contractor's Monthly Report).

During the execution of works, the Contractor used public and internal roads on the basis of agreements signed with their Administrators. After the completion of the works, these roads were restored to such a state as was indicated in the agreements signed with the Administrators.

**Table 8.** The list of public and internal roads sections renovated by the Contractor after the completion of construction and installation works.

Name of the street	Chainage	Length of the renovated section [m]
Ogrodowa	-	204
Długa	1.243 – 1.300	57
Hutnicza	0.000 – 0.780	780
Hutnicza	0.780 – 1.371	591
Kąpielowa	0.530 – 0.640	110
Internal road on plot 812	-	500
Kąpielowa	from the embankment – 1.890	452
Kąpielowa	1.890 – 2.629	739
Przemysłowa	0.000 – 0.123	123
Batalionów Chłopskich	0.000 – 0.608	608
Podwale	0.000 – 0.768	768
Wędkarska	0.270 – 0.730	460
Słomki	0.000 – 1.043	1 043
Nadole	1.100 – 1.626	526
Internal road on plot 57/6 and 61	0.000 – 0.232	232
Internal road on plot 42	-	306

The cost of renovation of the road sections listed above which were used by the Contractor during the performance of works amounted to PLN 2,158,921.30.

#### Complaint regarding temporary occupation

In the case of the renovation of the internal road located on plot No. 812, Wielowieś Precinct, whose Administrator is the Tarnobrzeg Commune, unintentionally crossed the border of the road's plot and occupied 9.28 m<sup>2</sup> of the adjacent plot area, belonging to a natural person. This mistake was reported by the owner of the plot, so explanatory actions were taken. At the expense of the Investor, surveying activities were carried out to determine the boundaries of the plots, and then the Contractor removed the crushed stone that occupied the area in question. The plot was restored to the previous state, and the owner of this property was paid compensation determined between the parties.

## 2.5. The number of people who benefited from the Contract

The implementation of Contract 3B.3 'Flood Protection of Tarnobrzeg – Stage 1 (Vistula River 1)' provided the protection to about 7,800 residents living in the area of approx. 4,846 ha. In addition, the flood protection included ca. 4,100 residential and farming buildings located in this area, sewage treatment plant, ca. 80 industrial plants, including the biggest one in the area and the Pilkington Automotive Glassworks, employing about 3,900 people, and the Historic Dominican Monastery Complex. The implementation of the Contract contributed to the protection of the entire technical and public infrastructure in the area against flood waters, such as: power supply, telephone, gas, water supply and sewage networks. Moreover, the Contract contributed to the protection of the right-bank part of the town of Sandomierz, which translates into a supra-regional effect of the Task.

The works were carried out without any confrontations. Such situation resulted from the appropriate implementation of the actions set out in the Land Acquisition and Resettlement Plan for Contract 3B.3 Flood Protection of Tarnobrzeg – Stage 1 (Vistula River 1)' and the performance by the

Contractor of the instructions set out in the Environmental Management Plan for Contract 3B.3 Flood Protection of Tarnobrzeg – Stage 1 (Vistula River 1)', i.e. mitigating measures – minimising negative impacts, including the protection of valuable natural resources. The following photographs show the protection of the structures of small infrastructure, including the place of worship, important for the local community.

It shall be emphasized that among the PAPs directly affected by implementation of the Works Contract 3B.3 100% of people are beneficiaries of the Project, as every person has a direct place of living or – at least – an agricultural property within the area protected against floods through the embankments redeveloped under the Contract in question, and the entire area is currently protected against floods.



Photo 8. Protection of the NATURA 2000 information board during the implementation of works (source: own resources of Aecom Polska Sp. z o.o.).



Photo 9. Protection of the wayside shrine during the implementation of works (source: own resources of Aecom Polska Sp. z o.o.).



Photo 10. The wayside shrine (source: the Contractor's Monthly Report).

### **3. THE PRINCIPLES FOR THE IMPLEMENTATION OF THE LA&RAP OBSERVED DURING THE CONTRACT PERFORMANCE**

The principles resulting from the Polish legislature, the World Bank's policy OP 4.12 and LA&RAP were observed throughout the performance of works. It applied both to land acquisition necessary for the performance of the Contract, as well as the manner of carrying out works in order to keep negative impact on the project affected people to minimum. The key principle was to improve or at least reinstate their living conditions before the implementation of the Contract and ensure a long-term sustainable use of natural resources in this area.

The principles which were applied to the land acquisition and resettlement are compliant with the provisions set out in OVFMP programme document of a general nature, the so-called Resettlement Policy Framework (LA&RPF) available at:

[http://odrapcu2019.odrapcu.pl/doc/OVFMP/Resettlement\\_Policy\\_Framework.pdf](http://odrapcu2019.odrapcu.pl/doc/OVFMP/Resettlement_Policy_Framework.pdf)

The details on the actions undertaken are described hereunder.

#### **3.1. Minimising the areas subject to occupation**

One of the key principles applied in the design process was to minimise the area subject to permanent occupation and restrictions imposed on land use.

Such solutions were applied with respect to natural persons as well as the company with limited liability and public entities (i.e. the State Treasury and the Tarnobrzeg Commune), e.g.:

- an operation lane was designed and constructed on the water side of the embankment in order to avoid larger interference to residential buildings, road infrastructure and water supply and sewage systems or arable lands and orchards in the protected side area;
- embankment's sealing was designed in form of a cut-off wall in DSM technology to be provided at the foot of the water side slope in order to limit the impacts in the protected side areas during the execution of works;
- in the section at km 15+700-15+819 of the embankment – mobile log stop gates were applied instead of a classic embankment structure in order to facilitate everyday communication (except for the period of flood freshets).

#### **3.2. Minimising the impact during the stage of construction works**

Prior to the commencement of works then Investor, i.e. PZMiUW carried out a wide-spread information campaign concerning the planned Contract and opened an information centre for Project Affected People, where they could file their motions and complaints regarding construction works and scheduled occupations. An information brochure was prepared and distributed to all PAPs, advising on a possibility of submitting complaints (in accordance with the provisions of the LA&RAP) with contact details. The brochure also contained a description of the procedure for acquisition of real estate by the State Treasury and the rules for determining and paying compensation for the acquisition of rights to real estate in accordance with the applicable laws and the World Bank's policy (Attachment No. 3 to this document).

It was necessary to temporarily occupy properties for the purpose of the Contract implementation (occupation for site facilities elements and for storing of soil masses and other building materials). The Contractor minimised the extent of temporary occupations, whilst their location was selected so that it would be convenient for the local community (nuisances related to material supplies and transportation of the equipment were kept to minimum). The Contractor while negotiating the conditions of temporary land occupations applied the provisions set out in the LA&RAP (the process

was voluntary). The contractor, apart from cash payments, was also entitled to offer other forms of PAP assistance, such as leveling the plot. Compensations for land occupation were reimbursed by the Contractor to the owners prior to occupations. On completion of works the properties temporarily occupied were restored and handed over to their owners without deterioration. The whole process was monitored by the Engineer and the Contractor.

### 3.3. Minimising the impact through informing the parties on their rights

As part of the information campaign described in item 3.2 herein, Project Affected Persons (PAP) were informed on a possibility of submitting a motion for purchasing the remaining parts of the property (i.e. remnants) if as a result of a subdivision of the property and occupation of its part for the Project, the remaining part would not be suitable for further use to serve the purpose (pursuant to Article 23 item 2 of the Special Flood Act).

Five motions were filed to the PZMiUW applying for the purchase of the remaining part of the property. As a consequence, Resolution no. 8/2016 of the Director of the Podkarpackie Board of Amelioration and Hydraulic Structures in Rzeszów dated 09/22/2016 appointed an Application Assessment Board. The Board consists of the following: Deputy Manager of the Project Implementation Office, Resettlement Specialist, Supervising Inspector, and Environmental Specialist. Simultaneously, an application assessment procedure and a Statute of the Board have been developed, and they were also approved by the PZMiUW Director.

The Board assigned within the PZMiUW has analyzed the applications in terms of meeting the following rationale under Article 23 (2) of the Special Flood Act:

(...) *Article 23*

*2. In case of properties discussed under Article 9 (5) letter a<sup>7</sup>, if a part of the property is taken over and the remaining part is not suit for the proper use for previous purposes, the investor is obliged to purchase that part of the property – based upon an application of the owner or of the perpetual usufructuary of the property – in the name and on behalf of the State Treasury or unit of the local government. (...)*

Details related to the filed applications and establishments made by the Board, as well as conclusions drawn from the Board's work have been tabulated below.

The PZMiUW reviewed the motions; due to the fact that the provisions of Art. 23 item 2 of the Special Flood Act were not met (namely that if the part of the property was acquired and the remaining part is not suitable to serve the recent purpose) the properties were not acquired by the State Treasury.

The PAPs have been informed in writing about the Investor's decision and about a possibility of taking legal actions if they do not agree with that decision. None of the PAPs took legal actions.

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<sup>7</sup> Article 9 (5) letter a) – properties or their parts remaining a part of the contract, necessary for its implementation, which become properties of the State Treasury – it refers to the properties, which – in accordance with the IPIP decisions – were expropriated.

**Table 9.** The list of motions related to additional purchase of the property for the Works Contract 3B.3.

No.	Property owner	No. of Plot	Area of plot notified as "remnant" for purchase, m <sup>2</sup>	Location	Date of filing the motion by the owner	Case/ justification in the motion	Description of the situation related to the property	Reply of the PZMIUW dated	Description of the settlement of the case
1	PAP 1	277/3	1164	Tarnobrzeg	11/10/2014	A motion for purchase of the property by the State Treasury base on the Special Flood Act – PAP did not present a justification	Plot 277/2 originally had 0.1285 ha, a plot having 0.0121 ha (9% of its original area) has been separated and acquired for the ST – a narrow strip - 8 m wide and 15 m long – adjacent to the embankment, what did not modify its regular shape (currently 72 m x 15 m) and the access to a public road. The plot was used as a meadow, and it still may be used that way.	11/26/2014	Refusal due to the lack of fulfilment of the premises for the purchase – suit for use for previous purposes
2	PAP 2	9/13	1119	Tarnobrzeg	08/08/2016	A motion for purchase of the remaining part of the property – PAP informed that an access road to the remaining part of the property has been acquired for the purpose of works associated with the contract	Plot 9/7 originally had 0.2072 ha, a plot having 0.0073 ha (3.5% of its original area) has been separated and acquired for the ST – a narrow strip - 5 m wide and 15 m long – adjacent to the embankment, what did not modify its regular shape (currently 113 m x 16 m) and the access to a public road (the access was hampered, but possible during the implementation). The plot is a meadow, which has not been used and is mainly overgrown with self-sown willows, but it may still be used as a meadow.	09/15/2016	Refusal due to the lack of fulfilment of the premises for the purchase – suit for use for previous purposes
3	PAP 3	84/2	3600	Zakrzów	08/30/2016	An inquiry for the price of 1 are of land; if the offer will be beneficial for the owner, he/she will apply for the purchase of the remaining part of the	Plot 84/2 originally had 0.5736 ha, a plot having 0.0360 ha (6% of its original area) has been separated and acquired for the ST – a narrow strip - 5.15 m wide and 70 m long – adjacent to the embankment, what did not modify its regular shape (currently about 68 m x 80	09/29/2016	Refusal due to the lack of fulfilment of the premises for the purchase – suit for use for previous purposes



						property	m) and the access to a public road. The plot is partially a meadow, which has not been used and is mainly overgrown with self-sown willows, but it may still be used as a meadow.		
4	PAP 4	185/1	1326	Zakrzów	09/10/2016	A motion for purchase of the remaining part of the property – PAP did not present a justification	Plot 185 originally had 0.1755 ha, a plot having 0.0429 ha (24% of its original area) has been separated, what did not modify its access to a public road. The plot is partially a meadow, which has not been used and is mainly overgrown with self-sown willows, but it may still be used as a meadow.	09/16/2016	Refusal due to the lack of fulfilment of the premises for the purchase – suit for use for previous purposes
5	PAP 5	172	3237	Zakrzów	01/03/2017	A motion for purchase of the property – PAP did not present a justification	Plot located beyond the Contract area, it is not a part of the contract; thus it has not been split, and none of its parts have been taken over on behalf of the State Treasury.	03/24/2017	Refusal due to the lack of fulfilment of the premises for the purchase – plot beyond the contract area

### **3.4. Minimising the impact through organisational activities**

Minimising the impact throughout the Contract implementation was achieved through the implementation of organisational activities at the stage of construction and assembly works. The following actions were introduced:

- handing over of the property after the harvesting period.
- expropriated land owners were entitled to use the land free of charge in the manner they used to do it until they have been compensated.
- Project Affected People PAP were advised of the actual commencement of works by the Client in advance, which enabled them to stop the farming activities carried out on the property.
- all costs related to the activities on minimising and compensating a negative impact were included in the OVFMP Project costs.
- required distances from overhead power lines were maintained during the construction works.
- all works in the vicinity of underground utilities were carried out manually in order to prevent damage,
- works were performed exclusively in daily hours from 7.00 am – 4.00 pm.
- a cut-off wall was installed using the DSM technology (vibration-free).
- supervision of the infrastructure owners will be ensured for the duration of works.
- the owners of the properties which were temporarily occupied for the performance of the Task were compensated for temporary occupations (the Contractor was responsible for the actions undertaken in this respect, who by its own endeavours acquired the land for temporary occupation through negotiating the possibility of voluntary temporary occupation). After the completion of works the properties were reinstated to the previous state and handed over in good condition.
- at km 12+845 of the embankment (at Dzikowskiej Street) in the works impact area, a wayside shrine is located which was secured by the Contractor for the duration of works, so that no accidental damage was made.
- at km 12+845 of the embankment (at Dzikowskiej Street) in the works impact area, an information board on the NATURA 2000 Site is located (No. 3) which was secured by the Contractor for the duration of works, so that no accidental damage was made.
- the Contractor cared for the condition of the access roads that were used. The Contractor secured the construction site and facilities with storage yards against excessive dusting.

### **3.5. Minimising the impact through formal and legal activities**

Property owners/perpetual usufruct holders were reimbursed compensation for the properties taken over by virtue of the law, the amount of which was determined based on appraisals drawn up by a licensed property appraiser (according OP 4.12).

Any person dissatisfied with the amount of the proposed compensation was entitled to access a free of charge and easy to apply appeal procedures. 2 months after the day when the Investment Project Implementation Permit decision became final and no agreement was reached between the former owner/perpetual usufruct holder and the Client as to the amount of the compensation, then the amount of the compensation was determined by the Voivode in the form of administrative decision. The decision could have been appealed against by the PAP free of charge to the higher institutions.

In the case of Contract 3B.3, no one from the PAP appealed against the Voivode's decision to the higher institution such as the competent Minister.

## 4. PUBLIC CONSULTATIONS

Throughout the period of both preparation for the implementation of the Contract and the implementation itself, starting from the moment of application for the Environmental Decision, the process of informing the public about the Project was carried out.

The local community was informed about the prospective Contract at the stage of administrative proceedings related to the issue of:

- the Environmental Decision (in a period from Oct. 26, 2011 to Sept. 19, 2013)
- the Water Legal Permit (in a period from Oct. 17, 2013 to Feb. 17, 2014)
- the Investment Project Implementation Permit (in a period: from Aug. 6, 2014 to Dec. 8, 2014; from Jan. 8, 2016 to Mar. 30, 2016; and from Sept. 21, 2016 to Oct. 21, 2016)
- the Demolition Permit (in a period from February to March 2016)

by way of notices posted on the websites of the authorities conducting the proceedings (the Regional Director for Environmental Protection in Rzeszow, the Marshal of the Podkarpackie Province, the Mayor of Tarnobrzeg and the Voivode of the Podkarpackie Province) and as is customary, on publicly available notice boards in the areas where the Contract was implemented.

In addition to the above, the notices were posted on websites and notice boards of The Municipality of Tarnobrzeg and Sandomierz Town Hall.

In this manner the local community was informed of the submission by the PIU of relevant applications, as well as of the issue of the aforementioned decisions. This provided the parties with the opportunity to comment on all matters relating to the planned Contract.

On issue of the decision the parties were also informed by the authorities about the possibility to appeal against those decisions. No appeals have been filed.

Additionally, PAP who own properties on the site of the Contract implementation have been informed in writing (by registered letter with acknowledgement of receipt) about the proceedings related to takeover of the real estate by the State Treasury.

Moreover, public consultations were conducted regarding creation of LA&RAP. The purpose of the consultations was to allow individuals, institutions and all interested parties to view the document and to have an opportunity to submit comments, queries and requests regarding its contents. In accordance with the World Bank's operational policy OP 4.12, public disclosure of the LA&RAP commenced on September 30, 2016, when a notice was published in local supplement to Gazeta Wyborcza (a newspaper with nationwide coverage). The notice of public consultation was also posted on notice boards of PZMiUW in Rzeszow, its branch office in Tarnobrzeg, the Municipality of Tarnobrzeg and the sites of construction works.

By way of the notice individuals, authorities and interested parties were invited to view a proposal of LA&RAP for Contract 3.B3. LA&RAP was publicly displayed from September 30, 2016 to October 21, 2016 on the following websites:

- PZMiUW - [www.pzmiuw.pl](http://www.pzmiuw.pl),
- Municipality of Tarnobrzeg – [www.tarnobrzeg.pl](http://www.tarnobrzeg.pl),
- Project Coordination Unit – [www.odrapcu.pl](http://www.odrapcu.pl).

In addition to that, the information (in the form of individual invitations) was sent to public institutions interested in the Project implementation.

A printed document was made available for viewing by all interested parties during the period from September 30, 2016 to October 21, 2016 at:

- the office of PZMiUW in Rzeszow, 9. Hetmańska Street, 35-959 Rzeszów, from 8:30 am to 2:30 pm on working days,
- the branch office of PZMiUW in Rzeszów located in Tarnobrzeg, 86. Sienkiewicza Street, 39-400 Tarnobrzeg from 8:30 am to 2:30 pm on working days.

During the 21-day long period for submission of questions to the publicised draft of the LA&RAP no questions or requests were received by PZMiUW. However, some interest in the document was noted. Several people appeared in the Branch Office of PZMiUW in Tarnobrzeg in person and viewed the printed LA&RAP document. The electronic version of the draft posted on the websites indicated in the notice was downloaded by multiple users. However, no questions were submitted to the Office either via e-mail or in person.

On completion of the 21-day-long publicising period of the LA&RAP's proposal, on October 24, 2016 at 4:30 pm, in the conference room of the Municipality of Tarnobrzeg at 32 Kościuszki Street, a public meeting took place to discuss the draft of the Document – the LA&RAP for Contract 3.B3 Flood Protection of Tarnobrzeg – Stage 1 (Vistula River 1), implemented within the Odra-Vistula Flood Protection Project. None of the Project Affected People attended the meeting. All the participants were the representatives of the units directly involved in the implementation of the Odra-Vistula Flood Protection Project: Project Implementation Unit of PZMiUW in Rzeszow and Branch Office in Tarnobrzeg, Project Coordination Office from Krakow, and LA&RAP Consultant's Team. After the meeting a report was prepared and sent to the World Bank. The report is attached as Annex 6 to the LA&RAP - this attachment was not subject to publication.

The final LA&RAP document after obtaining a “no objection” clause from the World Bank was made available to the interested parties on the Client's and Odra-Vistula Flood Protection Project Coordination Office's websites and remained there until the completion of the Contract.

During the whole period of the Contract's implementation, an information point about the Project was accessible (details indicated in point 5).

## 5. PROCEDURES FOR REPORTING COMPLAINTS AND MOTIONS

The procedures for reporting complaints and motions regarding the construction and assembly works performed by the Contractor were implemented at the beginning of the entire process and remained in force during the whole period of the execution, operation and completion of the Contract.

All interested parties were allowed to file a complaint or a motion in one of the three following places:

1. Directly in the Client's head office:

By December 31, 2017

in the head office of the Podkarpackie Board of Amelioration and Hydraulic Structures  
in Rzeszów  
9. Hetmańska Street, 35-959 Rzeszów  
and  
in the branch office in Tarnobrzeg  
Podkarpackie Board of Amelioration and Hydraulic Structures in Rzeszów,  
86. Sienkiewicza Street, 39-400 Tarnobrzeg

From January 1, 2018

in the State Water Holding Polish Waters  
Regional Water Management Authority in Rzeszów  
9. Hetmańska Street, 35-959 Rzeszów  
or  
in the field office in Tarnobrzeg  
Basin Board in Stalowa Wola, Water Supervision in Tarnobrzeg  
86. Sienkiewicza Street, 39-400 Tarnobrzeg

Moreover, the complaints and motions could have been filed:

- via mail to the aforementioned addresses or  
via internet: on the website [www.pzmiuw.pl](http://www.pzmiuw.pl);  
at the e-mail address: [piu@pzmiuw.pl](mailto:piu@pzmiuw.pl)
- A helpline providing information was made available (an information point):

phone: +48 17 85 37 458

fax: +48 17 85 36 421

Responsible person: Barbara Tabak (Project Implementing Unit)

2. Directly in the head office of the Project which served as a consultation centre (from July 26, 2017):

Engineer-Consultant's Office,  
AECOM 18. Warszawska Street, 35-205 Rzeszów, Polska  
phone 797 118 797  
Responsible person: Przemysław Gardocki (Consultant, AECOM Polska Sp. z o.o.)

**During the execution of the Contract 3B.3 the Investor received one complaint regarding the temporary occupation, considered positively for PAP (details are described in item 2.4).**

## 6. SUMMARY

The main, measurable effect of the implementation of Contract 3B.3 'Flood Protection of Tarnobrzeg – Stage 1 (Vistula River 1)' that involved the extension of the right embankment of Vistula at the length of 9.869 km is to ensure flood protection of the areas of ca. 4,846 ha inhabited by about 7,800 people. It helped to eliminate the necessity of incurring huge financial expenses to remedy flood damage. In accordance with the findings of the Provincial Inspector for Environmental Protection during the floods in 2010 damage incurred only in the town of Tarnobrzeg amounted to approximately PLN 42.21 million. Bearing in mind the climate changes currently taking place, it is expected that the frequency and intensity of flood will increase. A one-time investment in the implementation of the project has, therefore, helped to avoid the need to secure huge financial sources in the coming years to remove damage.

In addition to the economic aspect, another non-measurable social aspect of the implementation of the project is equally important, namely the sense of security of the local community living in the area covered by the project, as well as the socio-economic expectations of the local population. As a result of floods, the hygienic and sanitary conditions in the flooded area drastically deteriorate each time. In the event of very high water levels and the risk of damage to the embankments, evacuation of people and farm animals to safe areas is necessary. The plots located in areas exposed to flooding are less attractive, which determines their low value in the property market. Such a situation is a serious obstacle and results in inconvenient conditions for the development of the local entrepreneurship and attracting potential investors, which translates directly into limiting the development of business activity. All these social concerns and obstacles to development after the implementation of Contract 3B.3 have been removed.

In case of the direct impact of the Project it shall be indicated that:

- 298 properties were taken over on behalf of the State Treasury, including 234 properties owned by private persons (313 land owners), and remaining 64 were owned by community;
- 117 properties of the State Treasury were permanently occupied.

The Works Contract 3B.3 did not cause any physical or economic resettlement.

- Compensation was paid to all land owners and land perpetual users, who proved a right to properties acquired on behalf of the State Treasury;
- In case of the absence of authorized people (owner died, and inheritors have not commenced the inheritance procedure yet) the compensation has been paid to the court escrow.

Detailed information on payment of compensation were presented in Chapter 2.3 and in Appendix no. 2 to this report.

- The Investor received 5 motions on the purchase of remnants; the motions were reviewed by a dedicated Board, and the PAPs received information on the Investor's decision with justification and information on the possible legal actions, if they would not agree with the Investor's decision.

Detailed information on the issue of remnants were described in Chapter 3.3.

- 3 Info Points, where claims and motions on the Contract implementation might have been filed, were active throughout the implementation period for the Works Contract 3B.3.

Detailed information were described in Chapter 5.

- Only one claim was submitted during implementation of the Works Contract 3B.3, and it has been settled amicably.

Detailed information on the submitted claim and on the settling method were described in Chapter 2.4.

- During preparation of the Contract for implementation (obtainment of particular decisions), as well as after developing the Draft LA&RAP, Public consultation were held – the process has been implemented in accordance with the World Bank’s standards, as well as with requirements of the Polish legislation.

Detailed information on public consultations were described in Chapter 4.

**Rules resulting from the Polish law, the World Bank’s policy OP 4.12, and the LA&RAP were observed during the performance. It referred to the purchase of properties necessary for implementation of the Contract, as well as to the performance method, which minimized adverse impact on project affected persons. A guideline for actions was the achievement of improvement effect or – at least – restoring the living conditions for the PAPs before the implementation of the Contract and assuring long-term balanced use of environmental resources within that area.**

**That objective was reached and in case of the Works Contract 3B.3 there are no elements/issues, which would not be completed.**

**After implementation of the Works Contract 3B.3 the standard of life for the PAPs (compared to the situation before the implementation of the Contract) has been restored or improved, as relevant compensation was paid, and every person living in the area were the embankments have been redeveloped was protected against floods, which may not only pose a threat to their properties, but also to life.**

The key objective of the Land Acquisition and Resettlement Action Plan was also implemented, the land necessary for the execution of the Contract was acquired in accordance with the Polish legislature and the World Bank OP 4.12 policy in a way that minimised negative impacts on the Project Affected People and that did not cause physical or economic resettlement of households. Owing to the implementation of the activities indicated in the LA&RAP, the living conditions of PAP have improved and long-term sustainable use of natural resources in this area has been ensured.

## **7. APPENDICES**

Attachment No. 1 – Task localization.

Attachment No. 2 – A table with the list of the properties and information of reimbursed compensation.

Attachment No. 3 – Information brochure for PAP