Regionalny Zarząd Gospodarki Wodnej we Wrocławiu

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8524 PL - THE ODRA - VISTULA FLOOD PROTECTION PROJECT

LA&RAP – LAND ACQUISITION AND RESETTLEMENT ACTION PLAN

COMPONENT 2 Kotlina Kłodzka flood protection

Subcomponent 2A Active protection

2A.2/1 Construction of "Szalejów Górny" - a dry flood control reservoir on Bystrzyca Dusznicka River

B ENVIRONMENTAL CATEGORY - IN ACCORDANCE WITH WB OP 4.01

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1 Abbreviations and Acronyms

ARPA	Agricultural Real Property Agency
AP	Affected Population
2A.2/1	Task 2A.2/1 Construction of "Szalejów Górny"- a dry control reservoir on Bystrzyca Dusznicka River
World Bank	The International Bank for Reconstruction and Development
PCU	Odra and Vistula River Basins Flood Protection (ODWI)Project Coordination Unit
WB	See *World Bank*
GDOŚ	General Director for Environmental Protection
GIS	Geographic Information System - a terrain information system comprising a database with terrain information pertaining to a given area as well as procedures and techniques for systematic capturing, updating and presenting data.
CSO	Central Statistical Office (GUS)
Joint Venture	The joint venture comprising: AECOM Ltd, Halcrow Group Ltd, BRL Ingenierie, AECOM Polska sp. z o.o.
PIU	Odra and Vistula River Basins Flood Protection (ODWI) Project Implementation Unit at the Regional Water Management Authority in Wrocław
Investor	Regional Water Management Authority in Wrocław
Engineer	See *Consultant*
Consultant	Consultant for the Regional Water Management Authority in Wrocław contracted within the scope of *"Design and Construction Supervision. Project Management, Technical Assistance and Training as well as Technical Support for the Project and PIU Institutional potential strengthening"*
C.C.	The Civil Code of April 23rd, 1964 (consolidated text, Journal of Laws 2016 pos. 380 as amended)
CAP	Code of Administrative Procedure of June 14th, 1960 (consolidated text, Journal of Laws 2016 pos. 23)
LARPF	Land Acquisition and Resettlement Policy Framework
MaxDUL	Maximum damming-up level
NBP	National Bank of Poland
NGO	Nongovernmental Organization
SAC	Supreme Administrative Court
PAC	Provincional Administrative Court
OVFM	Odra-Vistula Flood Management

EA	Environmental Assessment
OP 4.12	Designation of the document which contains the principles for involuntary resettlements required for World Bank financing for Task: Operational Policy 4.12 - Involuntary Resettlements.
PAP	Project Affected Person(s)
IPIP	Investment project implementation permit
OVFMP	Odra-Vistula Flood Management Project
LA&RAP	Land Acquisition and Resettlement Action Plan
Project	See OVFMP
Valuator	A physical person with state professional qualifications within the scope of property valuations
RDOŚ	Regional Director for Environmental Protection
RZGW WR	Regional Water Management Authority in Wrocław
Special Flood Act	The law of July 8th, 2010 on specific rules for the implementation of flood structures (consolidated text Journal of Laws 2015 pos. 966 as amended)
PR	permanent restrictions to the manner of real property use
EU	The European Union
RPM	The Law of 21 August 1997 on the real property management (consolidated text, Journal of Laws 2015 pos. 1774 as amended)
FGA	The Law of December 13th, 2013 on Family Garden Allotments (Journal of Laws 2014 pos. 40 as amended)
RAC	Regional Administrative Court
Contractor	An entrepreneur or a consortium of entrepreneurs implementing the Contract for works 2A.2/1 Construction of “Bystrzyca Dusznicka” - a dry flood control reservoir on Bystrzyca Dusznicka river
Task	Construction of Szalejów Górny - a dry flood control reservoir on Bystrzyca Dusznicka River
Employer	Regional Water Management Authority in Wrocław

2 Key definitions

The following key definitions are used in this document:

Real property price - the amount negotiated with the property owner payable to the owner for the given real property or part thereof based on the property value as defined by the valuator.

Economic resettlement - loss of benefits income or livelihood stemming from purchase of lands or access obstructions (to land, water or forest) as a result of construction or use of planned structures or associated devices.

Groups requiring particular help - people, who on account of: gender, ethnicity, age, mental or physical disability, difficult financial situation or social status are more exposed to the negative consequences of resettlements than other groups and those who may have a limited ability to report claims or take advantage of help during resettlement or participate in the benefits associated with the investment.

Resettlement cost - the scope of compensation for lost assets / real property encompassing the market value of the assets / real property as well as resettlement costs.

Compensation - paid in cash or in the form of a replacement real property for the real properties, which were acquired or which are affected by the Project. Compensation is disbursed at the time the owner has to hand over the real property to in investor. According to the applicable Polish law, as a rule, compensation may be disbursed from the moment the expropriation decision becomes final and in all cases before acquiring the real property and their acquisition for construction purposes.

OP 4.12 Involuntary resettlements - the Operational Policy contains the main principles and procedures which constitute the basis of IBDR approach to involuntary resettlements associated with investment projects.

Project Affected Person - means every person who, as a result of the project implementation, loses the right to property or is affected by a loss of other benefits associated with built up infrastructure (residential, agricultural or farm), loss of annual perennial harvests and crops or other associated or existing assets, in its entirety or partially, permanently or temporarily.

Involuntary resettlement - resettlement is involuntary when it takes place without consent of the resettled person (against their will) or pursuant to a forced consent (without an option to object to the resettlement) e.g. by expropriation.

Expropriation - entails a limiting or depriving a given person of their property rights to a defined real property by virtue of an individual legal act.

Purchase / voluntary sale - a transaction entailing an acquisition of a right to a real property from its owner / proprietor in exchange for a price accepted by both parties where the owner has a possibility to refuse to execute the transaction. If the project takes recourse to expropriation then the purchase is not considered as voluntary (i.e. willing buyer / willing seller).

Replacement value - compensation for loss of assets valued based on their market value together with any transaction costs (e.g. taxes, fees), which aims to constitute a sufficiently effective substitution for the lost assets (replacement value) Estate depreciation is not taken into account by this value.

3 Introduction

3.1 Project description

The present document constitutes a Land Acquisition and Resettlement Action Plan for Task 2A.2/1 Construction of “Szalejów Górny” - a dry flood control reservoir on the Bystrzyca Dusznicka river, performed within the framework of Component 2: Kotlina Kłodzka flood protection part of the Odra-Vistula Flood Management Project. The Odra-Vistula Flood Management Project (OVFMP) is executed with the aid of international financial institutions, including the International Bank for Reconstruction and Development (also referred to as the World Bank) and the Council of Europe Development Bank and also with the support of funds from the Cohesion Fund and the state budget.

The objective of the OVFM Project is improvement of flood protection for inhabitants of selected Odra and upper Vistula river basin areas and strengthening institutional capacity of public administration institutions to resolve the consequences of floods more effectively. Flood management infrastructure will be established as a result of Project implementation together with the associated technical facilities in three designated areas of Poland: (i) middle and lower Odra river basin; (ii) Kotlina Kłodzka (Nysa Kłodzka river basin); and (iii) upper Vistula river basin.

Within the scope of the executed real property acquisitions, the formal framework of the Project is defined by the Land Acquisition and Resettlement Policy Framework available on:

http://www.odrapcu.pl/doc/OVFMP/Ramowy_dokument_dotyczacy_Przesiedlen_i_Pozyskiwania_Nieruchomosci.pdf

The scope of Kotlina Kłodzka flood protection entails flood protection for its inhabitants (approximately 234 thousand people) and inhabited areas with a total area of approximately 497 ha. The investment also foresees the individual protective measures for approximately 250 households. Kotlina Kłodzka flood risk is primarily a result of insufficient capacity of river beds and streams as well as transport infrastructure, insufficient number of flood reservoirs, insufficient number and height of embankments. This is exasperated by a poor technical condition of existing flood protection structures which do not provide sufficient flood protection to inhabitants of riverbank areas. The scope of works associated with Kotlina Kłodzka flood protection entails the performance of actions both within the scope of active protection - subcomponent 2A as well as passive protection - subcomponent 2B.

The actions performed within the scope of Component 2: Kotlina Kłodzka with the highest potential to impact Affected Population - (AP) include the construction of dry retention reservoirs, as well as actions entailing the construction of embankments, embankment modernisation and demolition of structures. A physical relocation of a few of households and non-residential buildings may be necessary. Business (in urban areas) and agricultural (in rural areas) activities may also be affected.

Subcomponent 2B - Passive protection

Passive protection encompasses flood protection for areas lying along the course of the four main Kotlina Kłodzka rivers: Nysa Kłodzka, Ścinawka, Biała Lądecka with the main left bank tributary - Morawka and Bystrzyca Dusznicka with the main left-hand side bank tributary - Kamienny Potok.

Passive protection entails: reconstruction and renovation of existing bank protection and increasing the flow capacity of river and stream beds, construction of new or refurbishment of existing embankments and safety walls, increasing flow capacity of existing weirs and regulation barrages, increasing the capacity of existing bridge structures and pedestrian bridges, individual protective measures for households or reallocation of structures that cannot be protected beyond the boundaries of flood areas.

The Task *Investor i*s the Regional Water Management Authority in Wrocław, acting on behalf of the State Treasury in acquiring the real property necessary to execute the Task. Real property acquired within the scope of the Task will be handed over for permanent management to the Regional Water Management Authority in Wrocław.
Task 2A.2/1 Construction of “Szalejów Górny” - a dry control reservoir on Bystrzyca Dusznicka River is located within Kłodzko municipality, at chainage km 8+910 of the Bystrzyca Dusznicka river. Almost the entire dam lies within Szalejów Górny, with a few of its buildings downstream of the dam. Small sections of the eastern part of the dam and basin belong the Szalejów Dolny administrative area.

A characteristic property of a dry retention reservoir is that the river flows freely across the reservoir basin and bottom outlets, until the flow exceeds the capacity of the outlets - during a flood. Larger water influxes are then stored in the reservoir, and the biggest flood waves may utilise spillways. After the passage of a flood wave, the reservoir will gradually empty. It is possible to use the reservoir basin as a pasture for example between flood waves.

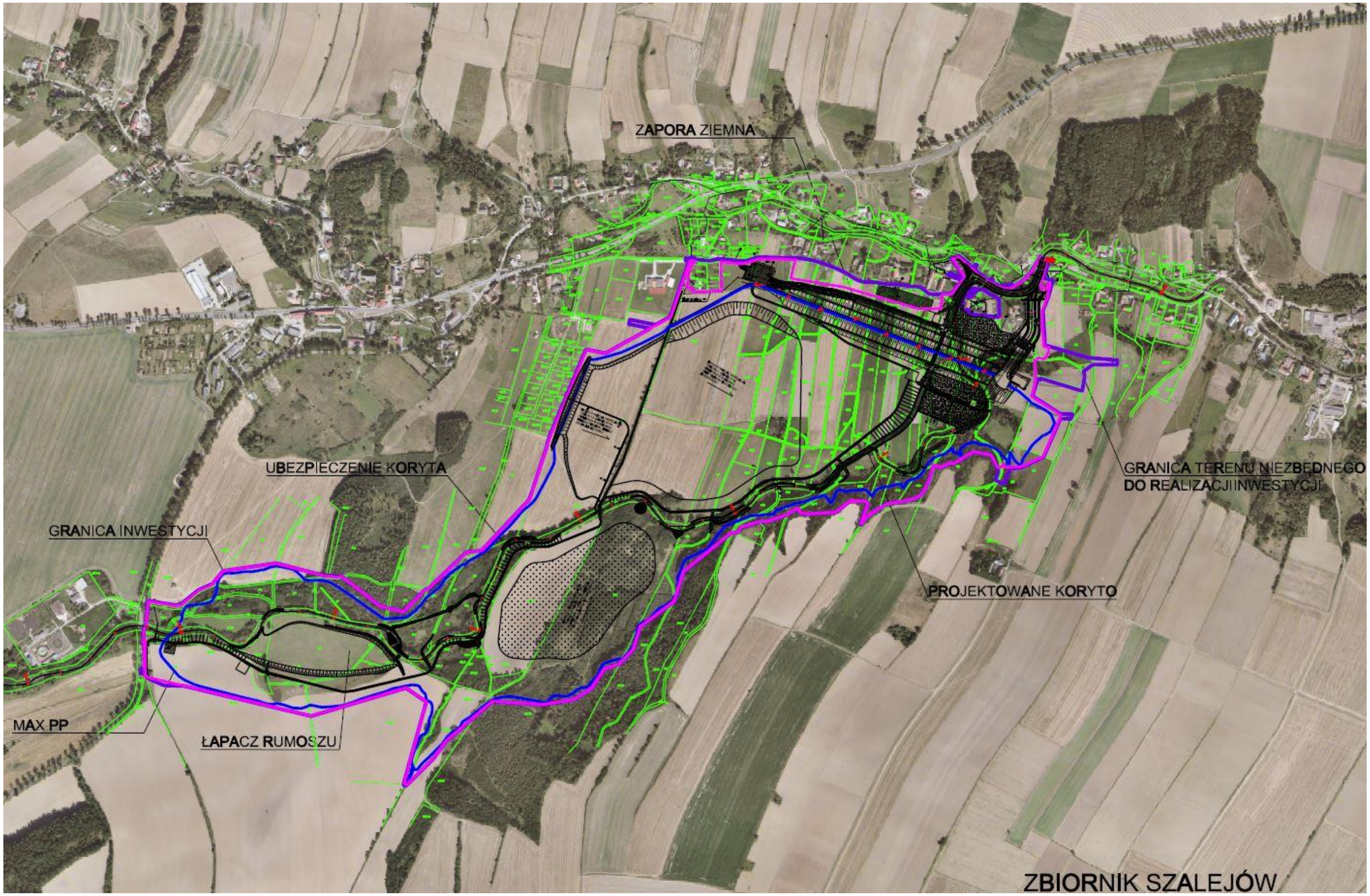


Figure 1 - Location of "Szalejów" - a dry flood control reservoir on Bystrzyca Dusznicka river

Zapora ziemna	Earth dam
Łapacz rumoszu	Rock rubble trap
Max PP	MaxDUL
Ubezpieczenie koryta	Bed securing
Granica inwestycji	Investment boundary
Projektowane koryto	Planned bed
Granica terenu niezbędnego do planowania inwestycji	Boundary of the area required for investment performance
Zbiornik Szalejów	"Szalejów" reservoir

As a part of Task performance, it will be necessary to expropriate 125 real properties, constituting a total of 54.8957 ha of expropriated land. It will also be necessary to permanently acquire 14 real properties constituting the property of the State Treasury managed by the State Treasury Agricultural Property Agency with a total area of 55.5792 ha.

It is necessary to physically move 1 household in conjunction with construction of the Reservoir. There will be no economic resettlements, however, execution of the task will have a significant impact on the income of 6 households.

The undertaking entails:

- construction of an earth dam together with outlet and spillway devices,
- reservoir basin development, which includes extraction of local dam building materials,
- regulation of the Bystrzyca Dusznicka river,
- rock rubble trap in the reservoir inlet area,
- construction, reconstruction and dismantling of a road and of underground infrastructure facilities (water mains and sewers, gas, power and ITC),
- access and service roads as well as manoeuvring and parking yards,
- temporary construction of the site backyard and the construction site together with power, water feed and wastewater discharge.

Reservoir basin development will entail:

- removal of trees and shrubs from the reservoir basin up to the level of ~331.0 m Kr. (~water surface level in the reservoir at Q10%) and at sites where investment structures will be located,
- area re-cultivation after extraction of local materials used for the body of the dam,
- construction of service roads along the Bystrzyca Dusznicka river bed, together with ford crossings,
- construction of outlets to the Bystrzyca Dusznicka river;
- construction of a rock rubble trap,
- dismantling of bridges together with abutments,

- dismantling of the Młynówka bed on the left bank of the Bystrzyca Dusznicka river in the area of the rock rubble trap at chainage km 11+344–10+898 (existing chainage),
- protection of river bank sections against excessive erosion,
- construction of the Bystrzyca Dusznicka river bed routing water to the outflow devices together with backfilling a section of the old river bed,
- changing the landscape of the areas adjacent to the waters within the scope of shaping the dry reservoir basin,
- local profiling of slopes and securing reservoir banks.

The scope of works pertaining to elimination of collisions and infrastructure reconstruction will entail:

- demolition of two utility buildings in Szalejów Dolny and a building which has other functions in Szalejów Górny,
- demolition of 1 residential building in Szalejów Dolny,
- reconstruction and construction of gas and water mains,
- reconstruction of medium voltage lines and construction of power networks,
- reconstruction and construction of ITC networks.

3.2 Reservoir construction area

The area of the planned Reservoir is located in Kłodzko municipality and Kłodzko district. The dam is located at chainage km 8+910 of the Bystrzyca Dusznicka river. The last buildings of Szalejów Górny are located downstream of the dam. Almost the entire dam and the basin are located within Szalejów Górny. Small sections of the Eastern part of the dam and basin belong the Szalejów Dolny administrative area.

In the region of the planned dam, the Bystrzyca Dusznicka river valley comprises clear, steep and high slopes. In this area the river flows from South - West to North - East and makes wide and twisty meanders. The width of the river valley is variable. Its coverage with vegetation and buildings is also non-uniform. The valley area is mostly used for agriculture.

Numerous dirt roads, narrow and overgrown used by farmers to access meadows and arable lands, are located within the area of the designed reservoir.

There are four road bridges, bridge abutments and one utility building designated for demolition within the investment area.

There are no residential buildings in the reservoir basin. However, there are two residential buildings downstream of the planned dam. Due to the implementation of the investment there will be no access to one household, thus it is necessary to physically move it. The total planned area for the Reservoir is approx. 142.30 ha, with the flood area under Max DUL of 115 ha.

3.3 Issued administrative decisions

The following administrative decisions have been issued for the Task:

- decision by the Regional Director for Environmental Protection in Wrocław dated September 30th, 2015 ref. no. WOOŚ.4233.8.2013.ŁCK.54 regarding environmental conditions for the investment entitled “Construction of <<Szalejów Górny>> - a dry reservoir on Bystrzyca Dusznicka”,
- decision by the General Environmental Protection Director dated May 16th 2016, ref. no. DOOŚoaII.4200.24.2015.EK.7 partially amending and partially enforcing the RDOŚ in Wrocław decision dated September 30th, 2015.

4 Basic principles of LA&RAP

Unless appropriate minimisation and preventative measures are planned and taken, acquiring of real property may cause and exasperate social inequalities, cause social exclusions and result in permanent environmental damage. In conjunction with the above, in real property acquisitions and resettlement process planning and implementation, the following principles should be adopted:

1. Minimise and - as far as possible - avoid permanent real property acquisitions. Wherever permanent acquisitions cannot be avoided, the procedures and requirements of the present LA&RAP shall apply, pertaining to the minimisation of the impact of real property acquisitions on the interested parties.
2. The expropriation procedures should not deteriorate the living conditions of the population, but should ensure, at the least, a restoration of the pre-Project levels.
3. All project affected persons take part in social consultations pursuant to equal right, taking into consideration the needs of particularly vulnerable groups. They will also be presented with an opportunity to actively participate in the Project development and access to the grievance redress mechanism.
4. Project Affected Persons have the access to fair, unbiased and affordable appeals procedure to an independent authority or before a court, and may perform this procedure without undue delay.
5. All cases of land acquisitions and resettlement, either permanent or temporary, will undergo procedures based on the Polish law and OP 4.12. LA&RAP in accordance with the LARPF
   (see:
   http://www.odrapcu.pl/doc/OVFMP/Ramowy_dokument_dotyczacy_Przesiedlen_i_Pozyskiwania_Nieruchomosci.pdf).
6. The LA&RAP applies to permanent or temporary real property acquisitions, as well as to permanent or temporary limitations to the access to the property, in particular resulting in the loss of business income (permanent or temporary) or worse standards of living.
7. Implementation of the LA&RAP will be monitored and documented, and once complete it will be evaluated by the World Bank.
8. The social participations process, protective and minimisation activities will be conducted under an assumption of the need to provide equal treatment regardless of age, gender or disability of project affected persons. Particular attention should be paid to those households, which member(s) remain a part of particularly vulnerable social groups.
9. The LA&RAP is designed and completed as an integral part of the Project. All costs associated with the need to plan and implement compensatory actions will be included in the budget as well as the advantage of the project.
10. Compensation for persons affected economically by the project should be paid prior to commencement of construction works on the expropriated real property.
11. A priority is given to the compensation according to the “land for land” rule - allocation of alternative land of equivalent productive potential. Cash compensation will be used in cases where land acquisition has no impact on the

use of land for its former purposes, as well as in cases where affected persons express their will in cash compensation. Financial compensation will also be applied wherever there is no suitable replacement real property.

12. In case of temporary acquisition of the assets, after the works they will be returned in the same condition as beforehand to enable the owners or users the business activities on the same level as before.
13. All PAPs, without regard to legal status of property, will receive support of various kinds, as per the principles set out in the Entitlement Matrix included in this LA&RAP. Lack of legal title should not be a bar to compensation and/or rehabilitation. A detailed procedure of land acquisition, social participation and minimising, preventive, compensatory and mitigation measures will be established in the LA&RAP.

If needed, the LA&RAP will be updated together with the project progress as new factual and legal circumstances appear.

5 Impact minimisation

5.1 Social impacts

In the light of OP 4.12, the social effect associated with expropriation is considered to include all direct economic and social losses stemming from the real property expropriation, permanent or temporary real property use or access limitation. Therefore, to assess the relevance of social impact, the basic criterion is assumed to be the percentage ratio of the real property owned by PAP to their expropriated part. Data obtained as a part of socio-economic studies should also be taken into account.

To estimate the social impact for the needs of this LA&RAP the following criteria were adopted in line with OP 4.12:

- secondary impact - for households this will be impact, where less than 10% of land or assets of a given household are subject to acquisition, with no physical relocation. For other real property secondary impact will be impact, where less than 20% of land or assets of a given household are subject to acquisition, with no physical relocation.

- significant impact - significant impact for households entails the loss of more than 10% of land or assets of a given household or the real property is split so that agricultural / fruit crop production is prevented at the real property. For wastelands and real property other than agricultural, significant impact is considered to entail the loss of more than 20% of land owned by a given household.

The threshold value of 10% was adopted to differentiate between significant and insignificant impact, as the investment is performed in a rural setting. In conjunction with that for most inhabitants who run households, the loss of more than 10% of real property area used for agricultural production will result in decreased household income. In assessing the impact relevance information obtained during socio-economic study and environmental assessment was also taken into account, and in particular associated with the possibility of conducting the existing activities on the area planned to be acquired temporarily, or impact on environmental elements (water, noise, air, etc.) The social vulnerability of the analysed household was also taken into account, understood as exposure to risk and relevance of impact, the risk attitude as well as adaptation consequences and abilities.

5.1.1 Significant impact

Significant impact was identified on the basis of conducted field studies, public meetings and individual meetings with PAP conducted within the framework of the commitment of interested parties into the LA&RAP preparation process. These impacts are discussed in detail in Appendix No. 2 to this LA&RAP. That Appendix is not subject to publication due to the protection of personal data.

The Task performance will significantly impact 6 out of 36 households. For one household, impact will entail the necessity of a physical resettlement. For the remaining households affected by significant impacts, these will be associated with the loss of land, where agricultural activity is conducted. No economic resettlements were identified.

With reference to all households affected by significant impact, “land for land” compensation is possible, as long as suitable replacement real property is found.

Household no.	Precinct	Remarks	Total area of the plot before splitting [ha]	Area of permanent occupation [ha] (N - not applicable)	% share of permanent occupation (expropriated) to the total area of the plot before the division	Purpose of use
1	2	3	4	5	6	7
Household no. 1	Szalejów Dolny	Household with 4 people (1 juvenile). Property developed partially; the undeveloped part has recreational features and does not form a source of maintenance for the household. It is necessary to expropriate the entire household.	1.4102	0.3102	22.00%	Permanent pastures Arable land
	Szalejów Dolny		0.1800	0.1430	79.44%	Road
	Szalejów Dolny		0.3979	0.3141	78.94%	Developed arable land Permanent pastures
Household no. 2	Szalejów Górny	Impossible performance of tests; the land is wasteland and it does not form a source of income for the household.	4.8200	4.8200	100.00%	Meadows
	Szalejów Górny		1.3899	1.3899	100.00%	Wasteland
	Szalejów Dolny		1.4500	1.4500	100.00%	Wasteland
Household no. 3	Szalejów Górny	The land is owned by a household of 2 people. Income due to the business activity in farming remains a basis for the income of the household. Less than 7% of land owned by	3.0040	0.3754	12.50%	Arable land

	Szalejów Górny	this household shall be acquired. The impact was assessed as low.	2.8100	0.7477	26.61%	Arable land
	Szalejów Górny		11.1492	0.0211	0.19%	Arable land
Household no. 4	Szalejów Górny	Household of 5 people with the one source of income in individual farming. Social and economic costs borne by this household are high. Due to construction of the reservoir the access to pastures will be lost. A part of land used for farming will be lost. The household shall be one of the first affected with adverse impact. Due to its location it is not possible to compensate with application of a lease agreement for lands in the bowl.	0.5200	0.5200	100.00%	Forests
	Szalejów Górny		0.1300	0.1300	100.00%	Meadows
	Szalejów Górny		1.4500	1.4500	100.00%	Meadows, Arable land
	Szalejów Górny		0.7400	0.7400	100.00%	Meadows, Arable land
	Szalejów Górny		0.7800	0.7800	100.00%	Meadows
	Szalejów Górny		0.2100	0.2100	100.00%	Meadows
	Szalejów Górny		0.0300	0.0300	100.00%	Meadows

	Szalejów Górny		0.5295	0.4158	78.53%	Arable land
	Szalejów Górny		0.5100	0.5100	100.00%	Arable land
Household no. 5	Szalejów Górny	Household of two people. An allotment used for recreational purposes and cultivation of vegetables and fruit shall be acquired. The allotment is not a significant source of food. Income sources for this household are not based upon profits gained from the expropriated land.	0.3300	0.1070	32.42%	Residential sites Permanent pastures
Household no. 6	Szalejów Górny	Household of two people. Main income source – individual farming. The land covered with expropriation is used for cultivation and as a pasture; the household shall lose a part of income and the possibility to graze cattle. Significant impact.	1.2700	1.2700	100.00%	Meadows
	Szalejów Górny		1.3100	1.3100	100.00%	Meadows, Arable land
	Szalejów Górny		0.2700	0.2700	100.00%	Meadows
Household no. 7	Szalejów Górny	One person household. The expropriated property does not form an income source and is not used in any way.	0.5800	0.5800	100.00%	Meadows, Arable land
Household no. 8	Szalejów Górny	The main source of income is hired labour. Crops on land expected for acquisition provide low income. The pasture is not being used.	1.1100	1.1100	100.00%	Meadows, Arable land

	Szalejów Górny		0.5100	0.5100	100.00%	Meadows, Arable land
Household no. 9	Szalejów Górny	Household of four people maintaining itself from farming. Two members of the household are chronically ill, one is a senior. Expropriation for the purpose of reservoir shall cause a significant loss of income for this household.	0.5924	0.4703	79.39%	Meadows
	Szalejów Górny		0.5771	0.3709	64.27%	Arable land
	Szalejów Górny		0.7600	0.7600	100.00%	Meadows
	Szalejów Górny		1.1100	1.1100	100.00%	Meadows, Arable land
Household no. 10	Szalejów Górny	Owner of plots listed in the register is dead, and the plots remain a subject of inheritance proceedings. It is not possible to obtain information on the income gained from properties by inheritors.	0.6761	0.5153	76.22%	Arable land
	Szalejów Górny		1.3200	1.3200	100.00%	Meadows, Arable land
	Szalejów Górny		0.8500	0.8500	100.00%	Meadows, Arable land
Household no. 11	Szalejów Górny	Information on income of this household was not obtained. Due to the range of acquisition, significance of impact was identified.	0.4200	0.4200	100.00%	Forests, Pastures
	Szalejów Górny		0.6000	0.6000	100.00%	Meadows

	Szalejów Górny		0.4600	0.4600	100.00%	Meadows
	Szalejów Górny		0.5400	0.5400	100.00%	
	Szalejów Górny		0.4800	0.4800	100.00%	Forests
	Szalejów Górny		0.1600	0.1600	100.00%	Meadows
	Szalejów Górny		0.1800	0.1800	100.00%	Meadows
	Szalejów Górny		0.4900	0.4900	100.00%	Meadows
	Szalejów Górny		0.6896	0.5275	76.49%	Arable land
	Szalejów Górny		1.5600	1.5600	100.00%	Meadows, Arable land
	Szalejów Górny		0.3800	0.3800	100.00%	Meadows
	Szalejów Górny		0.4900	0.4900	100.00%	Arable land
	Szalejów Górny		0.1700	0.1700	100.00%	

Household no. 12	Szalejów Górny	Performance of tests not possible; during a site visit it was identified that the land to be acquired is wasteland.	0.0200	0.0200	100.00%	Meadows
	Szalejów Górny		0.1500	0.1500	100.00%	Meadows
	Szalejów Górny		0.0300	0.0300	100.00%	Meadows
	Szalejów Górny		0.1567	0.0496	31.65%	Meadows
	Szalejów Górny		0.1700	0.0326	19.18%	Arable land
	Szalejów Górny		1.5600	1.5600	100.00%	Meadows, Arable land
	Szalejów Górny		1.3700	1.3700	100.00%	Arable land
Household no. 13	Szalejów Górny	Household of two people. Income of this household does not base upon income gained from the property.	0.6000	0.6000	100.00%	Meadows
	Szalejów Górny		0.0841	0.0319	37.93%	Arable land
	Szalejów Górny		0.3961	0.3066	77.40%	Arable land

Household no. 14	Szalejów Górny	Household of two people with main income from other sources than the property. On this plot farming is performed and it provides small annual income.	0.5000	0.5000	100.00%	Arable land
Household no. 15	Szalejów Górny	The property was purchased by owners for the purpose of house construction; it contains utility installations, some plants were grown for future development for living purposes. The property to be acquired is not a main income source for this household.	0.4340	0.1908	43.96%	Arable land
Household no. 16	Szalejów Górny	One person household; the property is leased to the inhabitant of Szalejów. The lessee also has other properties, and crops on the subject property do not form the main income source for the lessee. The plot owner maintains herself from pension. It is impossible to estimate the effect of lost leasing income on the household's income.	1.5900	1.5900	100.00%	Arable land
Household no. 17	Szalejów Górny	Properties to be acquired were to be used for investment purposes. However, they are not used for farming and do not currently form income sources for the discussed household.	0.2900	0.2900	100.00%	Arable land
	Szalejów Górny		0.3232	0.2011	62.22%	Arable land
Household no. 18	Szalejów Górny	According to obtained information, co-owners of this plot are dead. During a site visit it was identified that the properties are not being used.	0.0800	0.0026	3.25%	Meadows
	Szalejów Górny		1.4562	1.4305	98.24%	Meadows
Household no. 19	Szalejów Górny	Information on income of the subject household was not obtained.	0.5109	0.3599	70.44%	Arable land

Household no. 20	Szalejów Górny	Household of two people with income from other sources than farming.	0.6200	0.6200	100.00%	
Household no. 21	Szalejów Dolny	Household of two people with main income from other sources than the possessed property. Land to be acquired is currently not used.	0.2000	0.2000	100.00%	
Household no. 22	Szalejów Górny	Information on income of the subject household was not obtained. During a site visit it was identified that the plot is not being used.	0.1870	0.0120	6.42%	Developed arable land Permanent pastures
Household no. 23	Szalejów Dolny	The owners refused to undergo the research. During a site visit it was identified that the lands to be acquired are wastelands.	1.6738	0.4238	25.32%	Forests Permanent meadows Forests Land under ditches
Household no. 24	Szalejów Dolny	Ownership structure for the land is unclear due to the inheritance proceedings. The owners refused to undergo the research.	1.6602	1.2188	73.41%	Permanent meadows Arable land
Household no. 25	Szalejów Dolny	One person household. The main maintenance source is pension, and the income from land is the second maintenance source. Significant impact.	1.0800	0.1087	10.06%	Permanent pastures Arable land
Household no. 26	Szalejów Dolny	Household of four people in the subject area. A farm is located within the expropriated plot – the plot with a residential building and with arable land. The main income source is individual farming – the most of plots to be expropriated and forming an income source is located	3.2200	3.2200	100.00%	
	Szalejów Dolny		1.6876	1.1311	67.02%	Developed arable land Permanent pastures Arable land

	Szalejów Dolny	beyond the area of acquisition. It is necessary to relocate the household physically..	0.5400	0.5400	100.00%	Pastures, Arable land
	Szalejów Górny		20.1898	1.4560	7.21%	Land with trees and shrubs at arable land Arable land Permanent pastures
	Szalejów Dolny		1.6876	0.5565	32.98%	Developed arable land Permanent pastures Arable land
Household no. 27	Szalejów Dolny	Two related households, a one-person household and a two-people household. The expropriated property does not for an income source.	0.2025	0.0730	36.05%	Permanent pastures
Household no. 28	Szalejów Dolny	The expropriated property does not for an income source for this household. Construction of the reservoir shall not affect income of this household.	0.4958	0.0507	10.23%	Permanent pastures Arable land
	Szalejów Dolny		0.4958	0.1315	26.52%	Permanent pastures Arable land
Household no. 29	Szalejów Dolny	Information on income of this household was not obtained. Due to the small area of acquisition, the lack of significant impact was identified.	0.1200	0.0053	4.42%	Residential sites Permanent pastures
Household no. 30	Szalejów Dolny	Information on income of this household was not obtained. Due to the small area of acquisition, the lack of significant impact was identified.	0.0400	0.0013	3.25%	Land under ditches

5.2 Considered alternatives

Various scenarios for the undertaking were considered at the strategic level within the scope of works on “The 2006 Odra Programme” and a feasibility study for the “Kotlina Kłodzka flood protection”. The choice of location for the Szalejów reservoir in the local spatial plan was dictated by the lack of residential buildings in the flood area and a relatively small infrastructure reconstruction demand.

Changing the location of the dam whilst maintaining the existing reservoir reduction parameters may result in the need to reconstruct road infrastructure located in the reservoir backwater and protection of the existing sewage treatment facility.

On the other hand, a possible area restriction of the Reservoir will directly affect its volume and reduce the assumed flood protection capacity. Changing the reservoir’s flood water retention capacity constitutes a risk for Kłodzko inhabitants.

During the social consultations conducted for environmental assessment report as a part of the proceedings for the issuing of decision on environmental conditions, members of the interested community submitted their own proposal for restricting the reservoir area. In order to analyse this scenario, hydrological calculations were carried out, with the results shown in the table below:

Quantitative analysis of a dam location and area change			
Maximum damming level	MaxDUL - 336.25 m Kr. Community scenario	MaxDUL - 338.15 m Kr. Community scenario	MaxDUL - 342.00 m Kr. Scenario currently taken into consideration
Reservoir capacity for MaxDUL	2.84 million m^3	4.03 million m^3	9.87 million m^3
Flood area for MaxDUL	58 ha	68 ha	115 ha
Flow after reduction of 100 year water Q_1%=148 m^3/s	107 m^3/s (28% reduction)	74.3 m^3/s (50% reduction)	36.0 m^3/s (76% reduction)
Flow after reduction of 1998 wave Q1998=213.60 m /s	154.7 m^3/s (28% reduction)	129.4 m^3/s (39% reduction)	37.7 m^3/s (82% reduction)
Flow after reduction of 200 year design water Q_{05}%=183 m^3/s	149 m^3/s (19% reduction)	118 m^3/s (36% reduction)	38.5 m^3/s (79% reduction) (worse reduction as compared with $Q_{19}g_8$ stems from the larger volume of the wave used for calculations)
Flow after reduction of 500 year control water Qci,2%=296 m^3/s	279 m^3/s (6% reduction)	251 m^3/s (15% reduction)	118 m^3/s (60% reduction)

Dam crest length	~710	~730	~770
Estimated dam volume	crest 336.60 - approx. 310 thousand m^3	crest 338.50 - approx. 420 thousand m^3	crest 342.3 - approx. 750 thousand m^3

Source: *Environmental Assessment Report*

The river bed will safely contain a flow which does not exceed 40 m^3/s. For the reservoir area restriction scenarios taken into account, even 100-year-water, will cause a flood downstream of the dam, and in 1998 the flows exceeded those for 200 year design waters.

In the light of the above, taking into account the purpose of the Reservoir, there is no scope to reduce the resettlements in conjunction with its execution.

5.3 Minimising actions

1. The project works are conducted so as to minimise the number of plots which have to be acquired.
2. The amount of compensation for the lost real property (both financial as well as in the "land for land") will be arranged, based on appraisal studies developed by independent surveyors or by way of a decision of the Lower Silesian Voivode, also based on appraisal studies. A valuation constituting the basis for determining the compensation amount will be reliable, unbiased and independent so that the existing owner receives a price for the real property reflecting their actual loss and as such to minimise the negative impact of real property ownership loss on their financial situation.
3. As a part of compensatory activities, priority will be assigned to compensation based on the "land for land" rule, by allocating real property of a similar production potential and similar market value. Financial compensation will be used in the following cases:
    i. acquisition of real property or its part does not affect the ability to use the real property for the former purposes,
    ii. whenever the person economically affected by the project expresses their will to receive financial compensation,
    iii. there is a shortage of real property with a similar production potential and market value preventing the option of compensation pursuant to the "land for land" rule.
4. All costs associated with the performance of protective measures shall be included into the compensation package. At the moment there are no protective measures in the pipeline, however that may change as the project is performed.
5. For plots, where agricultural activity is performed, a release of a real property will take place after the harvest of the existing crops, in the given vegetation year designated for every crop. If crops are not harvested, a financial equivalent will be disbursed.
6. Every expropriated person will be entitled to use the land for the former purposes free of charge as to date of receiving compensation or (in the event of a failure to reach an agreement as to the compensation amount) its undisputed part.

7. PAP will be given a notice of the physical commencement of works of at least 30 days, which will make it possible to end use of the real property
8. Temporarily occupied real properties, will be restored to their original states after completion of works. Acquisition of real property for the needs of temporary acquisition will be performed pursuant to the principles defined in this LA&RAP.
9. The Investor, prior to commencing the works, will conduct a wide ranging information campaign on the planned investment. An information pamphlet with information on the possibility to submit grievances (in accordance with the LA&RAP provisions) together with contact details will be prepared and sent out to all persons affected by the project.
10. As part of the information campaign project affected person (PAP) will also be informed on the possibility of submitting an application to purchase the remaining part of a real property, or the so called remnant, if after the split of the real property and acquisition of a part thereof for the investment the Remaining part will not be suitable for further use for the current purpose (in accordance with Article 23 (2) of the Special Flood Act).
11. The lands in the reservoir basin will partially be leased as pastures without permission to erect any structures. The existing owners will receive a priority right for concluding lease agreements on these lands.
12. The construction site will be located in a manner which ensures the smallest possible impact on the quality of life of the inhabitants.
13. Wherever Remaining real property parts following expropriation will not be suitable for use for the existing purpose in accordance with the real property designated use (“remnants”), the Investor, following analyses in this respect, will acquire these real properties by virtue of civil - law agreements in accordance with the procedure described in this LA&RAP. Disbursement of compensation on account of acquiring “remnants” will be pursuant to a civil - law agreement concluded with the real property owner.
14. The planned grading on plots 520/3 to 520/32 was changed to the performance of a side embankment with a lock to protect the area under Max DUL. Previously, plots 520/3 to 520/32 were single plots which were subdivided into smaller plots with a view of building a residential estate. When starting the project the plot was undeveloped, currently new buildings are being erected which would have to be demolished during grading.
15. Access to the historic bridge in the reservoir basin will be constructed from service road number 6.2.
16. A path will be constructed connecting service roads number 5 and 7, facilitating unobstructed passage around the main part of the reservoir.
17. The construction site will be moved from the planned location to a new site, outside of the neighbourhood of property 36/36a (Szalejów Górny).
18. A section of the old Bystrzyca bed was left unaltered, from the connection with the new bed feeding the spillways to the historic bridge (structure N-9), upon request of the inhabitants.

19. The real property owners shall be given assistance concerning the preparation of appendices (land register maps) for the purposes of making out the applications for purchasing the remaining parts of real properties.
20. An information leaflet shall be prepared concerning the procedure of settling the matter of subsidies received by farmers from the EU.

6 Socio-economic study

6.1 Sources and methodology

The socio-economic study was conducted by a legal and social issues team, located in the structure of the JV - the Consultant in charge of drawing up this LA&RAP.

The primary source of information on the development and use of the real property acquisition constitutes the GIS data analysis, extracts from the land and on-site Tasks performance verification. The ownership status for the real property acquired was determined on the basis of land register and land and mortgage registers. The existence of infrastructure was determined on the basis of GIS data analysis, land register copies, design documentation including construction designs) and Tasks performance on site verification.
Within the scope of social impact the primary initial source of information was data obtained on the basis of available registers (e.g. commercial register National Court Register). CSO statistical data were also used as well as material on the Internet (information from websites of Offices, internet forums, etc., local press information).

In accordance with the provisions of Polish law, the cut-off date of the socio-economic study should be taken as the IPIP request submission date.

As a result of an initial analysis of data and scope of the Tasks, it was determined that there is a need to perform a study among to owners of lands subject to the expropriation procedure. The studies were developed in August 2015 by means of standard questionnaire based interviews. They were of an extended character - apart from providing answers to the standard questionnaire questions, the respondents were given an opportunity to express their attitude towards the Tasks in the form of open answers, also diligently recorded by the research team members. Such data was also analysed

Information obtained from real property owners was also taken into account during talks aiming to engage the interested parties in the LA&RAP works during the period from November 2015 to June 2016 as well as results of site visits carried out on 04.28.2016, 06.13.2016 and 06.15.2016.

The survey shall be updated as part of updating the entire LA&RAP as new information is obtained.

6.1.1 Problems

Three types of problems were identified during site visits, which had a moderate impact on the quality of gathered data and the degree to which the study was completed, and thus also on the scope of information used as a basis for this report - inability to reach a respondent, refusal to take part in the study, and refusal to respond to certain questions.

Respondent not reachable. For a number of potential respondents - owners of land within the area covered by the acquisition procedures, problems occurred which prevented members of the study team from reaching them and as such interview could not be

conducted. These problems were primarily caused by the respondents being (temporarily or permanently) away from their place of residence.

Refusal to take part in the study or to provide any information. For representatives of some households it was not possible to hold an interview or even obtain limited information due to a categorical refusal to take part in the study.

Refusal to respond to selected study questions. During the interviews, some respondents intentionally refused to provide answers to some questions due to their unwillingness to share certain information with strangers. Primarily these refusals pertained to questions directly associated with the finances of a household, that is regarding the sources of its income, expenditure structure and income generated from farming.

6.2 Social and economic data

6.2.1 Basic population data

According the National Census information, there are 812 inhabitants in Szalejów Górny, out of which 385 are men. On the Census day, most inhabitants were in their productive age - 548, however as many as 237 people were in the immobile productive age. The fact that 111 people were in the pre-productive age suggest a diminishing life potential of the inhabitants.

For Szalejów Dolny, out of the 677 inhabitants, 346 are men. 449 inhabitants are in their productive age with 154 in their immobile productive age. Thus, in terms of inhabitants' age, the demographic structure of Szalejów Dolny is more favourable than that of Szalejów Górny.

6.2.2 Employment and incomes

The post 1989 restructuring of the economy which entailed an elimination of dominant economic entities, resulted in the appearance of long term and structural unemployment. As a consequence this gave rise to an increase in poverty, leading to the occurrence of negative phenomena such as social exclusion. In 2015 the unemployment rate measured as the share of registered unemployed in total working age population in the Kłodzko rural municipality was higher than in Lower Silesia and amounted to 12.5%. Despite a systematic reduction in the unemployment rate, it is still significantly higher than the average for the region, which is currently at 9.4 %. Significantly, in this municipality unemployment is higher amongst men (13.0 %) than for women (11.8 %). Long term unemployment hovers around the same level and affects about half of the unemployed.

Problems with the functioning of the job market cause remaining poverty areas and the need to revert to social aid. The ratio of people using social aid in Kłodzko municipality exceeds the average for Lower Silesian Voivodship. Within the Kłodzko municipality, the feed the children programme is also actively pursued by the Social Aid Centre. In total in 2013 at all of the schools 350 children took advantage of the programme. The Centre also grants an additional allowance for purchasing food for younger children. Due to the prevailing social dysfunctions, 5 families in Szalejów Dolny and 1 family in Szalejów Górny are subject to social and vocational guardianship. On account of regulations pertaining to personal data

protection it is not possible to determine whether the guardianship supervision is applicable to any families which own real property within the area of the undertaking.

More numerous concentrations of ethnic minorities (Romani People) within the Kłodzko district can be found in Kłodzko and Bystrzyca Kłodzka. There are no ethnic minority communities in Szalejów Dolny, Szalejów Górny or within the undertaking implementation area.

6.2.3 Gender equality

There is a legal ban on discrimination binding in Poland, expressed in the Constitution of 1997. Article 32 states that nobody can be discriminated in the political, social or economic life due to any reason. Discrimination against women means “any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field” (Article 1 of the *Convention on the Elimination of All Forms of Discrimination against Women* (CEDAW) of 1979).

Wishing to become an European Union member state, Poland had to adjust its legislation to the regulations binding in the EU, including the scope of gender equality. It resulted mainly in changes to the labour law, but also in the change of the attitude of politicians and public administration to this topic.

According to the Human Development Index (HDI) of the United Nations Development Programme (UNDP) for 2012, Poland is among countries with a very high Human Development Index: it is ranked 39th out of 187 countries, i.e. above the average value for the countries in the EBRD area of activity and close to the average value for the countries of Central Europe and the Baltic states. The Human Development Index includes three elements: health, education and standard of living. Concerning the Gender Inequality Index (GII) of the UNDP, Poland is placed even higher in the worldwide ranking (24th). The Gender Inequality Index is a measure which reflects the loss of development possibilities in the area of a given country as a result of unequal gender treatment and includes three assessed elements: reproductive health, empowerment and labour market participation.

Concerning the participation of women in public life, their share in elected public authorities is small. The low percentage of women as Members of Parliament and senators is one example here. Similar negative tendencies are noticed in other elected authorities: municipality councils, district councils and province councils (approx. one fourth of all councillors are women). One should also stress the long-term small percentage of women as municipality heads and city/town mayors. However, the progressive demasculinization of the village leader position attracts attention as this position is one of the most significant concerning civil activity and building social capital. Experience also shows that women participate in the conducted public consultations on equal terms and their involvement and local activity often make them play a leading role in those consultations. To conclude, one must highlight that, in order to promote women and increase their participation in decision-making authorities and business management, various civil initiatives are taken, declarations are made by political parties and examples of solutions from other countries are popularized, while the European Commission takes its own initiatives ex officio. This should translate into

an improvement of equal treatment of men and women concerning labour market participation and the participation in decision-making authorities. An analysis of survey results for the last 10 years actually shows a gradual progress in this area.

6.2.4 Land use

The use class of land acquired for the investment is shown in the table below:

Use class of land acquired for the investment		
	ha	%
Arable lands	60.52	42.5
Forests	33.13	23.4
Meadows	32.53	22.9
Pastures	5.62	3.9
Developed	0.15	0.1
Roads	3.30	2.3
Orchards	0.15	0.1
Water	6.90	4.8
Total	142.30	100

The use class of land in the planned Reservoir basin is shown in the following table:

Use class structure of land in the Reservoir basin.		
	ha	%
Arable lands	51.52	41.3
Forests	32.50	26.1
Meadows	31.28	25.1
Pastures	2.65	2.1

Developed	0.01	0.01
Roads	2.65	2.1
Orchards	0.00	0.0
Water	4.07	3.3
Total	124.68	100

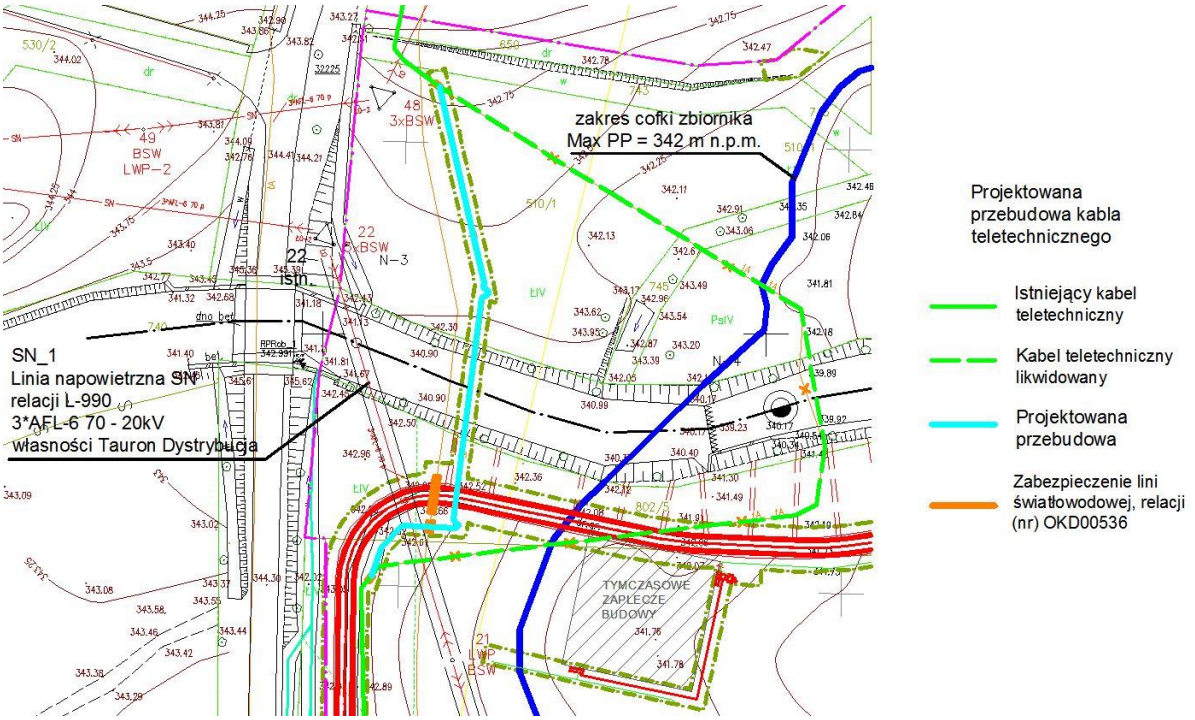
Figure 2 - Area of the future Reservoir

6.2.5 Technical infrastructure

The following technical infrastructure facilities are located within the area planned to be acquired for the needs of the investment:

- in the inlet section to the planned reservoir there is the fibre optic line (no.) OKD00536, owned by Telekomunikacja Polska S.A. The line along the section, where it crosses the Bystrzyca Dusznicka river, in the river bed runs in protection pipes. The river bed, at the section of the junction with the fibre optic cables line, is not subject to regulation, and the line runs outside of the scope of the flood area of the planned Reservoir. However, the line does

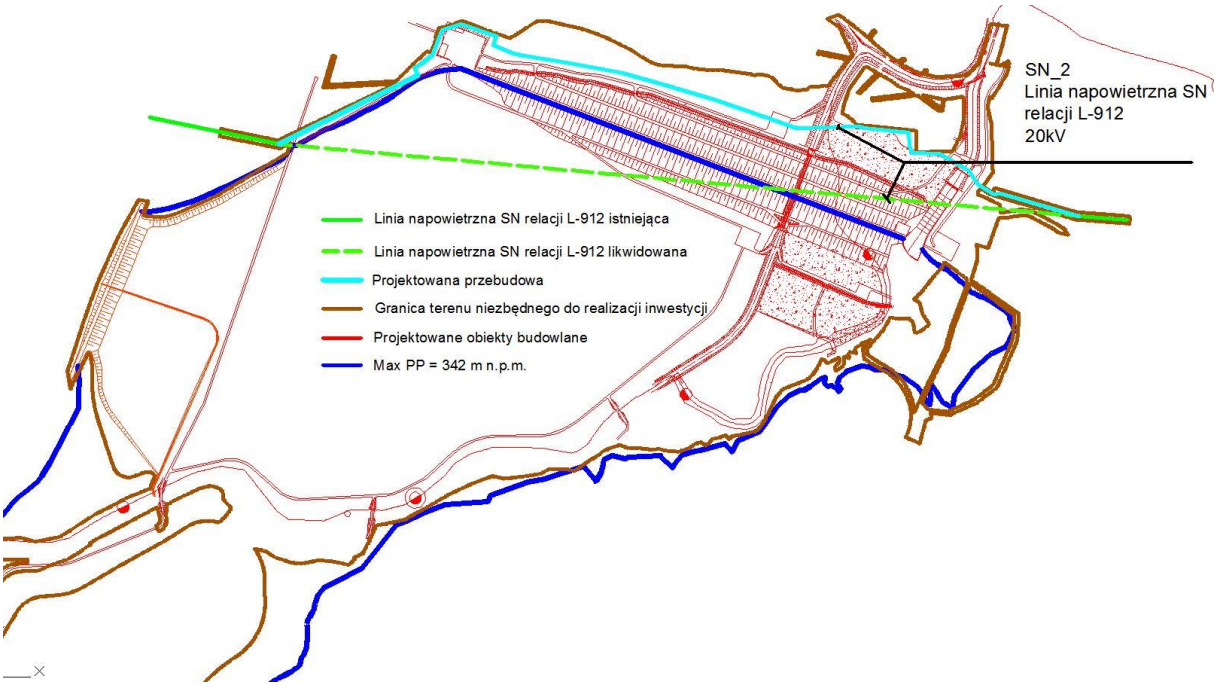
need protecting due to the crossing of the line with the designed access road and the planned reconstructed ITC cable.
- in the inlet part of the reservoir the overhead L-990 20kV medium voltage line collides with the planned land development.



Linia napowietrzna SN relacji L-990 3*AFL-6 70 – 20kV Własność Tauron Dystrybucja	L-990 3*AFL-6 70 – 20kV MV overhead power line, owner: Tauron Dystrybucja
Zakres cofki zbiornika Max PP = 342 m.n.p.	Reservoir backwater scope MaxDUL = 342 m a.s.l.
Projektowana przebudowa kabla teletechnicznego	Planned reconstruction of an ITC cable
Istniejący kabel teletechniczny	Existing ITC cable
Kabel teletechniczny likwidowany	ITC cable to be removed
Projektowana przebudowa	Planned reconstruction
Zabezpieczenie linii światłowodowej, relacji (nr) ….	… fibre optic bale line protection.

- in Szalejów Górny and Dolny, along municipal roads and the river, there is an overhead low voltage distribution - lighting line owned by Tauron Dystrybucja. In conjunction with the reconstruction of the river bed and change to the land development within the scope of the investment, a reconstruction of the line is necessary as well as an inspection of the existing line and the river bed under reconstruction crossing.

- the overhead L-912 20kV medium voltage line collides with the planned frontal dam.



SN_2 Linia napowietrzna SN relacji L-912 20kV	SN_2 L-912 20kV MV overhead power line
Linia napowietrzna SN relacji L-912 istniejąca	Existing L-912 MV overhead power line
Linia napowietrzna SN relacji L-912 likwidowana	Existing L-912 MV overhead power line to be dismantled
Projektowana przebudowa	Planned reconstruction
Granica terenu niezbędnego do realizacji inwestycji	Boundary of the area required for investment performance
Projektowane obiekty budowlane	Planned structures
Max PP = 342 n.p.m.	Max DUL = 342 m a.s.l.

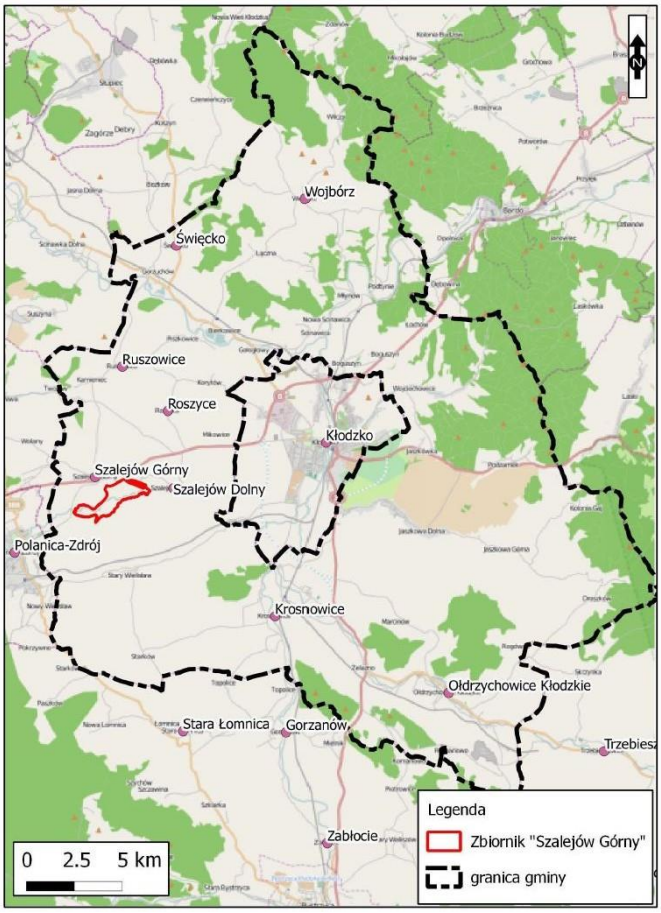
Additional technical infrastructure elements may be discovered during the course of the works.

Furthermore, in the area designated for permanent acquisitions there are technical infrastructure networks and devices associated with the buildings designated for expropriation and to be demolished (supplying electricity, water and telecommunication lines).

Figure 3 - Overhead medium voltage line

6.2.6 Access and communication

The planned reservoir is located on land which is mostly non-developed. The only buildings designated for expropriation are located between the planned dam and the side spillway. As a result of such a state of land development, only local dirt roads run in the areas of the planned reservoir and across its basin, which provide access to the local fields as well as a dirt road which constitutes access to a real property with residential buildings, including the habitat real property covered by the planned expropriation.



Source: Environment Impact Report

Legenda	Key
Zbiornik “Szalejów Górny”	“Szalejów Górny” reservoir
Granica gminy	Municipality boundary

There are four road bridges, bridge abutments within the investment area.

Szalejów Górny and Szalejów Dolny are located by DK-8, approx. 6 km away from Kłodzko, a 30 thousand Kotlina Kłodzka capital. Kłodzko can easily be reached from both villages by public as well as private transport. Both villages also lie within approx. 3 km from Polanica Zdrój, a smallish (approx. 7000 inhabitants) spa town. This results in a very good access to social infrastructure and services.

6.2.7 Public services and social organisations

The following community organisations are active in Szalejów Górny and Szalejów Dolny:

- Fans of Szalejów Górny and Dolny Association,
- “Archangel Michael” Association,
- Szalejów Górny Farmer's Wives' Association,
- Volunteer Fire Service,

- “Revival” Sports and Culture Association.

Acquiring lands for the needs of the Reservoir construction will not affect the functioning of these organisations (will not disrupt their functioning).

6.2.8 Schooling and health care

Within the area directly affected by acquisitions for the needs of the Reservoir construction there are no educational or health care establishments. A school and sports complex (integration school in Szalejów Górny) is located nearby to the planned Reservoir basin.

There is a municipal preschool in Szalejów Dolny and a public library in Szalejów Górny.

There is a private health care facility and a GP surgery in Szalejów Dolny. Doctor’s advice can also be sought in the nearby Polanica Zdrój and in Kłodzko. The nearest hospitals are located in those towns as well.

The nearest pharmacies are in Polanica Zdrój and in Kłodzko.

Figure 4 - A school and sports complex (integration school in Szalejów Górny)

6.2.9 Cultural and historic objects

The only structure with a high cultural value within the area of the Reservoir is a stone double span road bridge across the Bystrzyca Dusznicka river. It is located approx. 138 m South - West from the base of the planned dam on the floodplain area. The bridge is located along a section of the river which is to be moved, and as such the programme-spatial concept envisaged demolition of this structure. The bridge is located at chainage km 9+204 of the river (Southern boundaries of plots No. 501, 502 Szalejów Górny), is 22 m long and 4.6 m wide. Two stone arch spans constitute the lead bearing structure of the bridge. This is a listed structure.

The bridge holds a significant sentimental value for the local community, as a Lower Silesian historic and cultural heritage structure. In order to minimise the impact of the planned undertaking on the community in question, and in particular PAP, the Investor decided not to dismantle this structure.

Within the other area (dam + maxDUL) there are no historic monuments, monuments with a very high culture value or cultural objects.

In the area subject to maximum damming level there are five archaeological sites, two archive sites verified, and during surface - verification tests three new sites were discovered.

6.2.10 Buildings

The scope of works pertaining to elimination of collisions and infrastructure reconstruction will entail:

- demolition of two utility buildings in Szalejów Dolny and a building which has other functions in Szalejów Górny,

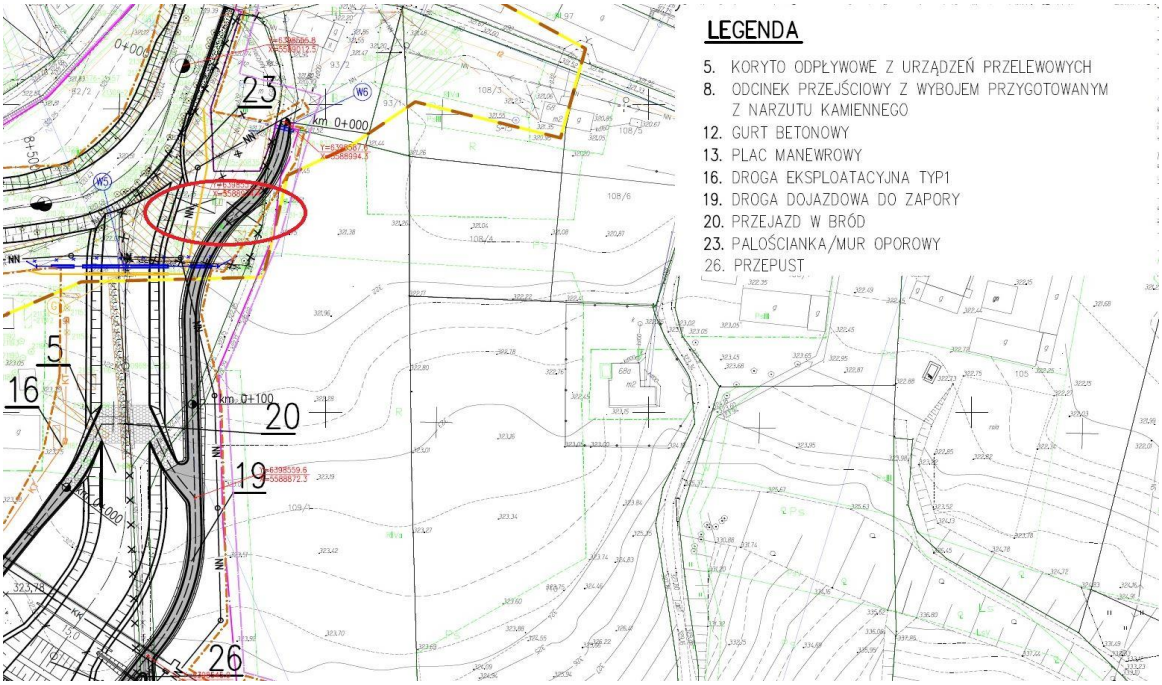


Figure 5 - Utility buildings in Szalejów Dolny to be demolished.

Legenda	Key
5	SPILLWAY DEVICES OUTFLOW CHANNEL
8	TRANSITION SECTION WITH A SCOUR HOLE MADE FROM RIP RAP
12	CONCRETE BUTTRESS
13	MANOEUVRING YARD
16	TYPE 1 SERVICE ROAD
19	DAM ACCESS ROAD
20	FORD CROSSING
23	PALISADE RETAINING WALL
26	CULVERT

Figure 6 - A building in Szalejów Górny which has other functions.

- demolition of 1 residential building in Szalejów Dolny,

Figure 7 - Residential building to be demolished, Szalejów Dolny 71

- reconstruction and construction of gas and water mains,
- reconstruction of medium voltage lines and construction of power networks,
- reconstruction and construction of ITC networks.

6.2.11 Natural resources

Szalejów Górny reservoir backwater will partially overlap the “Polanica Zdrój” medicinal waters mining region managed by Uzdrowiska Polanica Zdrój. “Polanica-Zdrój” is a deposit with safe yield of 6713 m^3/h and resources of 46.42 m^3/h.

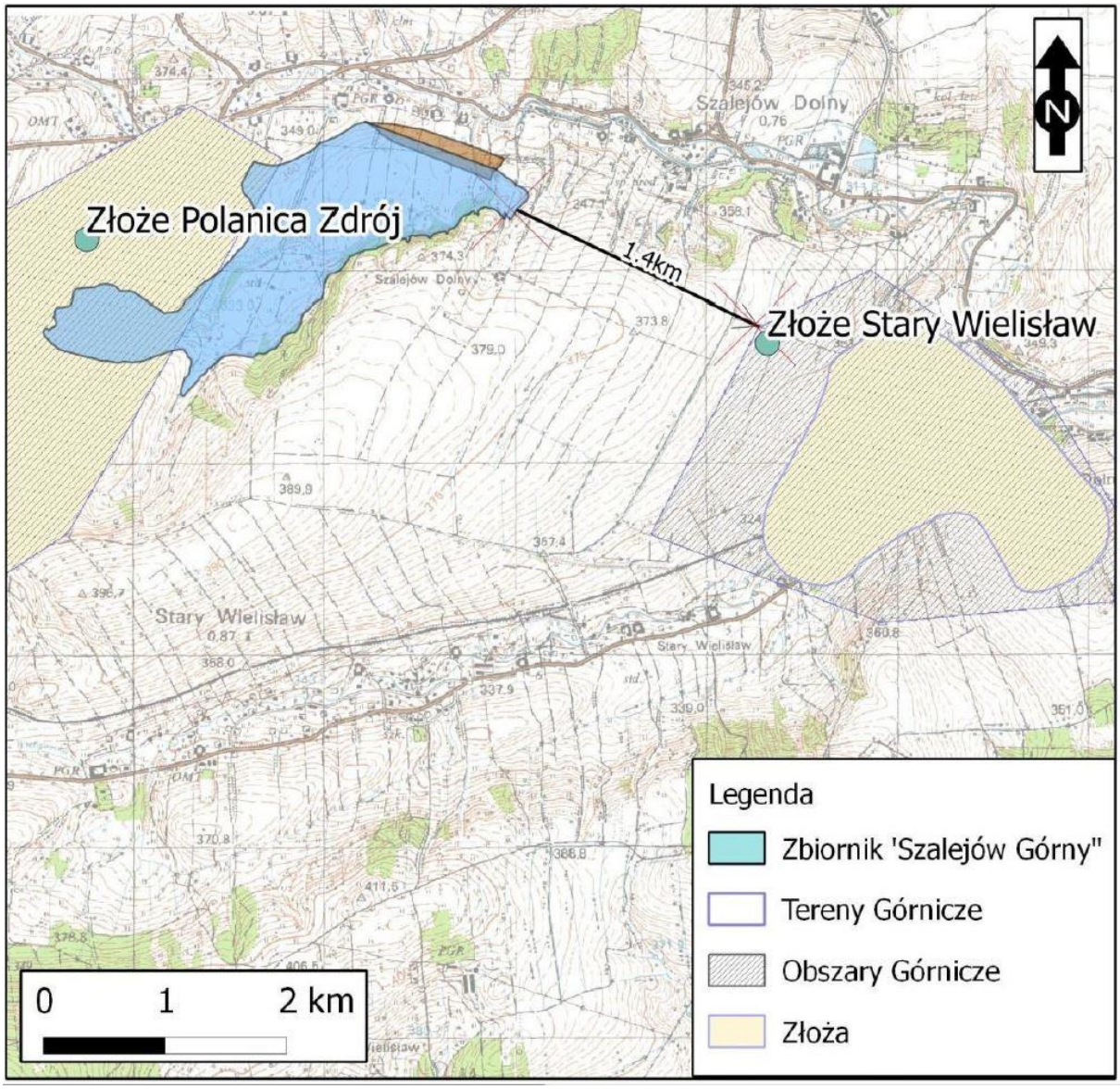
The Uzdrowisko Polanica-Zdrój Bylaws dictate the following conditions within the scope of protection of the quantity and quality of natural medicinal raw materials:

- the execution of any investments which might deteriorate the quality of underground waters is forbidden,

- it is forbidden to perform any earth works without a prior geological structure and hydrogeological soil conditions study.

Sporadic and short term (only under MaxDUL and thus under flows with a probability of p=0.2%) flooding of a small mining regions, constituting a typical freshet in the river valley, will not affect the medicinal waters within the scope of the established mining region.

No major earthworks will be carried out in the reservoir backwater.



Source: Environment Impact Report

Legenda	Key
Złoże Polanica Zdrój	Polanica Zdrój deposit
Złoże Stary Wielisław	Stary Wielisław deposit
Zbiornik “Szalejów Górny”	“Szalejów Górny” reservoir
Tereny górnicze	Mining areas
Obszary górnicze	Mining regions
Złoża	Deposits

6.3 PAP characteristics

Based on data gathered as part of the conducted field works, households with lands at their disposal designated for construction of the reservoir, have been classified according to the type of primary impact which they are subject to in conjunction with this investment. Each category of households identified in this manner was described in the socio-economic study constituting appendix No. 5 to the LA&RAP. That Appendix is not subject to publication due to the protection of personal data.

Households have been categorised as follows:

a) households located outside of the area where expropriations apply, which use real property within the reservoir construction area for agricultural activities. There are 13 households in this group. Primarily these include households which:

- Within the area where acquisitions apply conduct agricultural activity entailing farming arable lands, selling crops obtained in such a manner on the market and treat this activity as their primary or additional source of income;
- Within the area where acquisitions apply conduct agricultural activity entailing farming arable lands, then not selling crops obtained in such a manner on the market but use it for their own needs, significantly reducing the cost of purchasing food. This category does not include households which maintain small vegetable gardens, the crops from which satisfy their food demand only to a small degree and do not constitute a significant reduction of food costs;
- Within the area where acquisitions apply conduct agricultural activity entailing farming and grazing cattle and other livestock, and which treat this activity as their primary or additional source of income.

b) households located within the area covered by the expropriations and designated for resettlement - there is 1 household in this group,

c) households located outside of the area where expropriations apply, which do not use real property within the reservoir construction area for agricultural activities - there are 16 households in this group.

6.4 The need to update the socio-economic study

The data presented in this report mostly pertain to permanent issues, which are not subject to dynamic changes over time. The economic and financial situation of all households taken into account in the study should be considered as stable, thus there are no grounds to forecast the occurrence, over a period of two-three years after the performance of this research, of dynamic changes to it, requiring the research constituting the basis for this report to be repeated.

A potential update of the information is recommended for plots which were the subject-matter of inheritance proceedings during the study.

However, it is necessary to perform a stock take of real property which should be done in accordance with the provisions of Polish law in force as on the day the investment permit is issued.

7 Regulations as in force at present and valuation methodologies

This LA&RAP for Task 2A.2/1 Construction of “Szalejów” - a dry flood control reservoir on the Bystrzyca Dusznicka river is based on the provisions of Polish law, and also, on account of the financing, inter alia, from a World Bank loan, also on the World Bank Operational Policy OP 4.12 Involuntary Resettlements

The Loan Agreement between Poland and the World Bank is an act of international law, and through its conclusion Poland undertakes to apply the policies of the World Bank.

If there are differences between Polish regulations and WB policies, the provisions most beneficial for the affected population apply.

7.1 Obligations stemming from policy OP 4.12[1]

OP 4.12 is applicable if Project performance entails:

a) the involuntary taking of land resulting in:
   (a) relocation or loss of shelter,
   (b) loss of assets or access to assets,
   (c) loss of income sources or livelihood
b) the involuntary restriction of access to legally designated parks and protected areas resulting in adverse impacts on the livelihoods of the project affected persons.

OP 4.12 sets forth the following obligations:

- Involuntary resettlement should be avoided where feasible, or minimized, exploring all viable alternative project designs, and where it is not feasible to avoid resettlement, resettlement activities should be conceived and executed so as to minimise their scale and impact;
- Resettlement process should be planned and implemented as development activity providing means and assets allowing PAPs to participate in benefits resulting from implementation of the investment. Support should be offered to social groups affected by resettlements in order to improve their economic status, income and livelihood, or at least restore their status;
- The resettled should receive compensation at replacement value, assistance in relocation and support in the transition period;
- Lack of a legal title to the ground should not bar compensation;
- Particular attention should be paid to vulnerable social groups and individuals (e.g. single mothers, the handicapped, the poor);
- The communities should be given an opportunity to participate in planning, implementation and monitoring of the resettlement process;
- The resettled should be assisted in integration with the host community;
- Process of resettlements should be closely linked to the schedule of the main investment so that the resettled people receive compensation before the construction or other activities covered by the projects begin;
- Monitoring of resettlement is required as well as evaluation of its efficiency;

[1]Chapter in accordance with the LARFP.

- As regards rural or farming lands, even when it is possible to apply financial compensation, land-for-land compensation is recommended, if economically feasible. Farm that lost their fixed assets entirely and became entirely unprofitable should receive compensation in the amount equal to the value of the entire farm;
- For losses that are hard to compensate for financially, such as access to public services, access to clients or suppliers, fishery areas, access to pastures and forest areas, an attempt should be made to grant access to equivalent and culturally relevant resources and income opportunities.

7.2 Polish legal requirements

The most important normative acts associated with acquiring rights to real property required to perform the Task are:

- The Constitution of the Republic of Poland of April 2nd, 1997 (Journal of Laws No. 78, pos. 483 as amended).
- The Civil Code of April 23rd, 1964 (consolidated text, Journal of Laws 2016 pos. 380 as amended), hereinafter as the c.c.,
- The law of July 8th, 2010 on specific rules for the implementation of flood structures (consolidated text Journal of Laws 2015 pos. 966 as amended), hereinafter as the Special Flood Act
- The Law of 21 August 1997 on the real property management (consolidated text, Journal of Laws 2015 pos. 1774 as amended), hereinafter as the RPM Law.

The Civil Code regulates the legal relations between physical persons and legal persons, including pertaining to concluding real property sale agreements. Here the principles of the freedom to draw up the wording of the agreement and freedom to decide whether and with whom to conclude such an agreement are effective. Unanimous declarations of the parties dictate conclusion of an agreement. The Civil Code sets forth a particular form for concluding agreements, the subject-matter of which constitutes real property. Under pain of nullity these should be concluded in the form of a notarial deed.

Mechanisms for involuntary acquisition of rights to real property are set forth in the Special Flood Act and the RPM Law.

7.2.1 Acquiring real property by virtue of the Special Flood Act

Pursuant to the Special Flood Act expropriation of real property or a part thereof, as well as permanent and temporary limitation of manner of use of real property or part thereof is set forth in the IPIP issued by the Voivode. Expropriation takes place the moment the IPIP becomes final.

On account of a transfer of real property ownership for the benefit of the State Treasury, the real property owner or its perpetual usufruct holder are entitled to financial compensation or of the “land for land” type. The Special Flood Act does not indicate a particular preference as to the disbursement of compensation in the “land for land” form; rather financial

compensation is foreseen under an assumption that it facilitates purchase of a similar real property at market prices.

The compensation amount is determined for each real property, by way of individual negotiations between the investor with the existing owner or perpetual usufruct holder. These negotiations will be held on the basis of an independent and objective assessment of a valuation prepared by licensed appraiser who holds an appropriate professional licence (professional official permission to value real property).

The amount of compensation is determined for the real estate in the condition as of the date of issuing the IPIP, but in reference to real estate value as of the date on which the amount of compensation is determined.

In case the investor and the expropriated party reach agreement as regards the amount of compensation, a written agreement is concluded, determining the amount of compensation, and time and manner of payment.

However, if the agreement is not reached within 2 months from the date of issuing the final IPIP, the amount of the compensation is determined by the Voivode (regional authority). Before issuing decision on the amount of compensation, the Voivode appoints an independent expert appraiser. Also the affected party is entitled to present opinion of an expert; in such case the Voivode has to account for the opinion presented by the affected party in the decision determining the amount of compensation. If the affected party files remarks and motions in the proceedings, the Voivode has to refer to them during the proceedings and subsequently in the issued compensation decision.

The decision issued by the Voivode may be challenged by the party (currently to the Minister of Infrastructure and Construction).

In case of appeal from the decision establishing the amount of compensation, the expropriated party may file a motion for paying the compensation in the amount stated in the contested decision. In such case the compensation is paid as stated, which does not influence the appeal proceeding.

The decision issued in the appeal proceeding may be further contested to the Regional Administrative Court within thirty days from the date of delivery of judgment to the complainant. The ruling of Regional Administrative Court may be further subject to cassation, which has to be filed for within thirty days from delivery of a copy of the judgment with substantiation to the party.

7.2.2 Determining permanent restrictions to real property management

Instigating the proceedings to issue the IPIP requires a request by the Investor who is obligated to, amongst others, indicate the real property or parts thereof which constitute a part of the investment, are indispensable for its functioning, but which do not become property of the State Treasury, which are subject to permanent restrictions applied to its use (hereinafter PR). Such a request has to be considered and pursuant to administrative body findings, disclosed on the IPIP decision issuance by the Voivode (Article 9 pos. 5 let. b. of the Special Flood Act).

Another PR category stemming from the IPIP, not necessarily resulting from in investor's request, will take into account the areas of direct flood hazard and areas subject to potential flood hazard or particular flood hazard, as long as such have been determined. (Article 9 pos. 8 let. f of the Flood Act). Such real property will not be subject to permanent change to the manner in which they are managed and in principle the owner (perpetual usufruct holder) will be able to use them in a manner similar to that before investment implementation, however after task completion always with certain functional restrictions.

These restrictions and the associated inconveniences, restrictions to real property economic and market potential (e.g. building prohibition, prohibition to plant trees, to conduct agricultural activity, etc.) have a negative effect on the real property market value and have to be compensated by way of an appropriate compensation. In an extreme case where the real property is no longer usable by its owner (perpetual usufruct holder), they may (on the basis of Article 22 paragraph 2 of the Special Flood Act), by submitting a request within a defined deadline, pursue a civil and legal path to demand its purchase. If that path is not taken advantage of, the administrative path Remains open determining an appropriate compensation.

The Special Flood Act does not define what PR entail and does not identify the administration authority which is competent to determine the compensation on that account pursuant to an administrative procedure. Such a state, that is the lack of clear provisions of law identifying the competent authority, is caused by an evident legal loophole and authorises to apply a legal analogy in administrative proceedings with the provisions of the Act of April 10th 2003 on the particular principles for preparing and executing investments within the scope of public roads (consolidated text Journal of Laws 2015, pos. 2031 as amended) pertaining to issuing permits to perform road investments) with reference to the decision of the Supreme Administrative Court. in Warsaw dated November 9th, 2012 (case ref. I OW 142/12).

The Court, in identifying the Voivode as the competent authority, unambiguously states that "The authority competent to determine the compensation is the authority, which issued the permit to perform the road investment (...). As it is impossible to accept for the legislator to split the competence for determining compensation for the consequences of that same decision depending on the subject-matter of that compensation."

The necessity to apply Article 30 of the Special Flood Act in the conducted procedure should also be accepted, in accordance with which *within the scope not regulated in the Special Flood Act real property management provisions are applicable* and in performing this instruction, the proceedings should be based on RPM provisions.

As a result, with reference to PR compensation, procedures and valuation principles described in this LA&RAP will be applicable, pertaining to determining and disbursing compensation for expropriation of real property or part thereof.

7.2.3 Special procedures

Pursuant to Article 133 RPM, an Investor deposits the compensation amount in a court deposit pursuant to a Voivode decision obligating the Investor to pay the compensation into the deposit. That is considered tantamount to the satisfaction of the payment. This is applicable solely in two cases: when the entitled person refuses to accept the compensation

or its disbursement encountered obstacles difficult to overcome (lack of legal capacity of the creditor, their prolonged absence from the country with no authorised representative established, natural disasters, marital law), and when the compensation for expropriation pertains to real property with an unsettled legal status (Ruling by the Regional Administrative Court in Lublin dated February 25th 2005, case ref II SA/Lu 884/04).

Payment into a court deposit carries the same consequences as satisfaction of the payment and obligates the creditor to refund the costs of payment to the debtor.

In the event of a court overruling the request, the fee shall not be refundable and additionally if the creditor (as a participant of the proceedings) will be represented by a legal advisor or an advocate, the court may demand that the Investor pays PLN 120 on account of remuneration for court representation.

7.2.4 Purchase of "remnants"

If part of a real property is acquired, and the remaining section is not suitable for standard use for existing purposes (the so called "remnant") the Investor upon a request by the owner of perpetual usufruct holder is obligated to purchase that part of the real property (pursuant to Article 23 paragraph 1 of the Special Flood Act).

The request for the purchase of a remnant may be submitted before the IPIP is issued, however the purchase of the real property itself may only take place following issue of the IPIP.

Remnants will be acquired by way of civil law agreements after the IPIP is issued for the Tasks pursuant to the following procedure:

1. The owner / perpetual usufruct holder of the real property submits a request to the Investor which includes:
    a. a justification indicating why the part of the real property remaining after the acquisition is not suitable for the existing purposes,
    b. indication of the remnant on the land register map attached to the request.
2. Assessment of the filed application by a commission, including 4 members, and appointed by the Director of the Regional Water Management Authority in Wrocław. The commission includes a representative of the team for LA&RAP monitoring and implementation, and experts in technical issues and in property management issues. A representative of the Consultant for LA&RAP may attend meetings of the commission and has advisory competences.
3. The decision on purchasing or refusal to purchase the real property immediately, but no later than within 30 days of receiving the remnant purchase request.
4. Notification of the applicant on the decision pertaining to purchase / refusal to purchase the remnant.
5. An opinion by a valuer as to the value of the remnant.
6. Negotiations with the owner / perpetual usufruct holder as to the compensation amount.

7. Conclusion of a real property purchase agreement (purchase of the remnant) in the form of a notarial deed.
8. Compensation disbursement

7.3 Adopted mechanism for acquiring rights to real property[2]

LARPF identifies a number of inconsistencies between OP 4.12 and the Polish law: **OP 4.12**	**Polish laws**	**Corrective actions**
Lack of a legal title to the land should not bar the receipt / disbursement of compensation. People without legal title are eligible for compensation.	Polish legal system does not account for the right to compensation for land owners / users who do not hold a legal title to it (with the exception of people whose legal title to a real property was lost or who acquired the right to the real property through usucapion, i.e. a method for gaining ownership of property by uninterrupted possession of the real property for a period defined in legislation).	For persons who do not hold a legal title to a real property affected by the consequences of Task performance, each such case should be considered in accordance with its own merits, in terms of possibilities to apply the general mechanisms stemming from the Civil Code to achieve OP 4.12 objectives. According to OP 4.12, project affected persons who do not hold a legal title to the real property are not entitled to receive financial compensation for the real property. However they are entitled to receive compensation for all objects, crops and real property improvements performed before the cut-off date and for appropriate solutions in cases where they will have to be physically or economically displaced. In such cases appropriate mitigating measures can be applied..
WB Policy requires compensation for the loss of income (e.g. from business or agricultural activity, etc.) in conjunction with real property acquisitions for the needs of the planned Task.	Provisions of Polish law do not foresee compensation on account of a loss of income as a result of Task performance.	Persons who lost income or employment will receive support (health insurance, vocational training etc.) from job centres. For businessmen, apart from the civil code mechanism it is possible to apply general Civil code mechanisms (compensation for the incurred loss and lost profit)

[2]The table presented in this chapter is in accordance with the LARFP.

LARPF identifies a number of inconsistencies between OP 4.12 and the Polish law: **OP 4.12**	**Polish laws**	**Corrective actions**
Particular attention should be paid to vulnerable social groups, such as the poor, the elderly, single mothers, children and ethnic minorities.	Polish law does not require planning specific measures aimed at additionally assisting vulnerable social groups (the elderly, the handicapped, the poor, and other groups with special needs).	The project will grant to the affected people help in obtaining assistance from offices and institutions. Additional measures will be implemented as needed to ensure that the objectives of OP 4.12 are met.
WB Policy requires additional compensation of expenses incurred by PAP (as a result of physical relocation i.e. transport of materials) and assistance in implementing the resettlement.	Assistance regarding incurring costs of relocation and other similar costs resulting from the necessity to move to a new location by the citizens and enterprises is not provided in the provisions of law.	In order to cover costs of relocation and other similar costs it is possible to apply general mechanisms from the Civil Code in a manner that achieves the requirements of OP 4.12.
The compensation should be paid prior to physical occupation of the land for the purposes of implementation of the investment.	The Special Flood Act allows for occupying the land and commencing works before the compensation is paid.	In all cases, no work will begin until there is documented evidence that the project-affected person has been informed well in advance, compensation has been paid and it has granted permission to enter the land. The only exceptions are cases where the process is taken to the courts because negotiations fail or other reason or cases were absentee owners cannot be found. In these cases, as per Polish regulations, the compensation amount will be put into an escrow account and the money will be available to affected people once the court makes a decision or the owner is located. To minimize the risk of starting works before compensating for losses the project will plan and conduct land acquisition well in advance of starting construction.

LARPF identifies a number of inconsistencies between OP 4.12 and the Polish law: **OP 4.12**	**Polish laws**	**Corrective actions**
Compensation for the loss of assets is based on their market value plus any transaction costs (e.g. taxes and registration fees) and the objective is for the compensation to be enough to effectively replace the affected asset (replacement value).	Applied methods of valuation may lead to lowering the value of the real estate as compared to prices of similar real property on the local market.	The valuation of the real estate will be conducted by an independent and experienced appraiser. Expert opinion should be verified by PIU. The expropriated party should be granted proper amount of time to get familiar with the appraiser's opinion. Should there be any doubts regarding the sufficiency of the due amount of compensation, value of the real estate should be estimated by an independent appraiser in the proceeding with the Voivode. In all cases effective replacement value will be achieved.
It is required to prepare a socio-economic study, LA&RAP, and monitor of compensation, resettlement and livelihood restoration measures as well as evaluation of their efficiency.	Provisions of Polish law do not account for obligation to gather a socio-economic study and prepare a LA&RAP as such and there is no obligation of monitoring or evaluation of their effectiveness.	Socio-economic studies and Resettlement Action Plans will be prepared based on the LA&RAP, monitored and evaluated in line with OP 4.12 and good practices.

Due to the formal and legal regulations for Task 2A.2/1, mechanism for acquiring real property will be applicable stemming both from the Special Flood Act as well as the civil code (with reference to remnants).

In accordance with the provisions of the Special Flood Act, plots are acquired within the scope of the expropriation procedure. In every case for the Investor it will be a priority to reach an agreement with PAP pertaining to the real property acquisition conditions (form of compensation, real property acquisition date, use principles following the IPIP issuance, etc.) Once the IPIP is issued, based on an opinion by an independent expert - licensed appraiser, negotiations pertaining to the compensation amount will also be conducted. If the negations fail to determine the compensation amount within 2 months of the day on which the IPIP became final, the compensation amount will be determined by the Lower Silesian Voivode by way of a decision on the basis of a valuation performed by a certified surveyor designated by the Voivode.

Owner of power lines, gas lines and telecommunication lines will receive compensation in the form of a new transmission device (transmission network) constructed on other real properties in place of those dismantled. On real property where the new transmission devices will be constructed, transmission servitude will be determined for the benefit of the transmission operator, who owns the dismantled and reconstructed network. In accordance with Article 305¹ CC the essence of transmission servitude is encumbering the real property

with the right to use that real property within the scope defined by the transmission devices purpose. Such encumbrance includes access, user by existing exploitation, performance of controls, inspections, maintenance, upgrades, refurbishments, fault repairs, replacement of equipment located on the given real property within the scope required to ensure correct and uninterrupted operation of the transmission network of the operator (cf. SC ruling dated April 18th 2012V CSK 190/2011, LexisNexis no. 3971510).

The primary method for determining transmission servitude is an agreement between the real property owner and the operator. Real property owner may demand an appropriate remuneration in exchange for agreeing to establish transmission servitude. If the real property owner refuses to conclude an agreement, then transmission servitude may, upon the operator's request, be established by a court of law in exchange for appropriate remuneration, by ways of non-judicial proceedings, similar to right of access servitude. The remuneration is determined by the court, unusually aided by an expert, guided by the type of equipment and the associated manner of real property use by the entitled and the impact these devices have on restricting the business activity on the real property. The same right is due to a real property owner of the operator refuses to conclude an agreement to establish distribution servitude required to use the devices in question. The Act does not define whether the remuneration is to be one-off or regular, which means an opportunity to select an equivalent payment for the benefit of the owner.

All temporarily acquired real properties will be restored to their original states.

7.4 Valuation principles[3]

The owner, holder of perpetual usufruct and other legal holder of land or a part of land, on which the flood management investment is carried out, is entitled to compensation for the transfer of ownership of the real property to the State Treasury or a local government entity.

In all cases compensation must meet the principle of replacement value, which means the market value of the land, assets and other (e.g. crops) plus any transactions costs required to replace it, such as taxes and registration fees. Compensation is determined on the basis of a valuation by a valuer or by a team of valuers (including e.g. an agricultural expert) as required. According the OP 4.12, with regard to land and structures, “replacement cost” is defined as follows:

a) for agricultural land, it is the pre-project or pre-displacement, whichever is higher, market value of land of equal productive potential or use located in the vicinity of the affected land, plus the cost of preparing the land to levels similar to those of the affected land, plus the cost of any registration and transfer taxes;

b) for land in urban areas, it is the pre-displacement market value of land of equal size and use, with similar or improved public infrastructure facilities and services and located in the vicinity of the affected land, plus the cost of any registration and transfer taxes; and;

c) for houses and other structures, it is the market cost of the materials to build a replacement structure with an area and quality similar to or better than those of the affected structure, or to repair a partially affected structure, plus the cost of transporting building

[3]Chapter in accordance with the LARFP.

materials to the construction site, plus the cost of any labour and contractors' fees, plus the cost of any registration and transfer taxes.

With reference to real property expropriated for the needs of Task implementation, principles as set forth in let. a) and b) shall be applicable.

In determining the replacement cost, depreciation of the asset and the value of salvage materials are not taken into account, nor is the value of benefits to be derived from the project deducted from the valuation of an affected asset. Where polish law does not meet the standard of compensation at full replacement cost, compensation under Polish law is supplemented by additional measures so as to meet the replacement cost standard, such as support after displacement, for a transition period, based on a reasonable estimate of the time likely to be needed to restore their livelihood and standards of living, etc. The amount of compensation paid by the State Treasury or the local government entity, respectively, is determined by the investor and the current owner, holder of perpetual usufruct or other legal holder through negotiations based on a valuation conducted by a certified real estate and assets valuation committee/expert appointed by the PIU. Should the investment concern garden allotments established pursuant to the Act on Family Garden Allotments, the entity in the interest of which an allotment garden or a part thereof will be liquidated is obligated to:

• pay the garden allotment holders compensation for the plants, assets and objects belonging to the allotment holders and located in the allotment;

• pay the garden allotment holders' association compensation for assets, buildings and structures located in the family allotment for the purpose of shared use by the allotment users and ensuring the proper functioning of the allotment;

• secure replacement real property for the purpose of restoration of the family allotment.

The compensation amount determined on the IPIP issuance date is subject to indexing as on disbursement day, according to the principles applicable for return of expropriated real property.

ATTENTION:

Valuation methods are determined by a legal act of resolution rank, i.e.: Regulation of the Council of Ministers dated 21.09.2004 on valuating real property and drawing up a valuation (Journal of Laws No. 207, item 2109 as amended), the valuation methods and techniques are contained therein.

7.4.1 Real property valuation[4]

The amount of compensation is determined on the basis of the market value of the real property. While ascertaining the market value of the real property, the following factors in particular are taken into consideration: its type, location, use and zoning, existing technical infrastructure, overall condition and current market prices. Should the change of zoning and land use for the purpose of the investment decrease the real property's value, its market value will be ascertained according to pre-rezoning and pre-project use. If the data from the

[4]Chapter in accordance with the LARFP.

local or regional real property market allow the valuator to ascertain the market value of the property, they should apply one of the market approaches, i.e. the sales comparison approach, the income capitalisation approach or the combined approach. Should the zoning in accordance with the purpose of the investment increase the real property's value, its market value is ascertained according to the alternative use resulting from the new zoning. If the data from the local or regional real property market does not allow the valuator to ascertain the market value of the property, they should ascertain the replacement value of the real property on the basis of the cost approach. Should the current owner or holder of perpetual usufruct rights of the affected property agrees to deliver the property and vacate the premises within 30 days of the day on which the IPIP became final, the amount of compensation is increased by 5% of the value of the real property or of the value of the title to perpetual usufruct.

7.4.2 Valuation of movable assets

Movable assets will also be compensated in cases where:

a) they are not fit for the purposes of the new location, and/or

b) the affected persons will no longer use it as a result of the resettlement (e.g. moving from a rural to an urban dwelling). Currently no structures permanently attached to the real property have been identified, which will not be suitable for use at a new location or due to the expropriation.

7.4.3 Valuation of plants and crops

The valuation of tree stand or tree cover, if the tree stand includes usable resources, it will involve the valuation of timber in the tree stand. If the tree stand includes no usable resources or if the value of timber is exceeded by the costs of reforestation and maintenance of the tree stand, the valuation concerns the costs of reforestation and maintenance of the tree stand until the day of expropriation.

The valuation of fields of perennial plants involves the valuation of the costs of establishing the field and its maintenance until the first crop as well as of the lost profit in the period from the day of expropriation until the completion of the full yield. The aggregate of costs and the value of lost profits are reduced by the sum of the yearly depreciation charge resulting from the period of using the field from the first year of yield until the day of expropriation.

The valuation of crops, cultivation and other yields of annual plants involves the valuation of the expected yield according to the current market prices, reduced by the value of necessary expenditures related to the harvest of the crops.

7.4.4 Assessment of remaining assets

The remaining assets related to real property are civil profits, that is income from real property gained on the basis of a legal relationship. When valuating rights under contracts

(including the rights of lease, usufruct, tenancy, lending and life annuity) and their impact on the real property, the valuator may in particular consider the following elements :

- type, nature, scope and duration of the contract,
- relevant provisions of the law,
- form of payment,
- type and amount of other payments,
- method and dates of payment of rent and other payments,
- rights and obligations arising out of contracts,
- the parties' claims related to the settlement of expenditures on the real property, and
- available information concerning the valuated real property and the particular section of the market involving obligations.

8 Eligibility criteria and entitlement matrix

8.1 Eligibility[5]

According to the Policy of the World Bank, the following two groups of people are eligible for compensation and assistance in connection with land acquisition resulting in loss of assets and economic and/or physical displacement:

(a) those who have formal legal rights to land (including customary and traditional rights recognized under the laws of the country);

(b) those who do not have formal legal rights to land at the time the census begins but have a claim to such land or assets - provided that such claims are recognized under the laws of the country or become recognized through a process identified in the resettlement plan;

(c) and those who have no recognizable legal right or claim to the land they are occupying.

Persons under paragraph (a) or (b) above should receive compensation for the land they lose, and other assistance. Persons under paragraph (c) should be provided with resettlement assistance in lieu of compensation for the land they occupy, and other assistance, as necessary, to achieve the objectives of OP 4.12, if they occupy the project area prior to a cut-off date. Persons who encroach on the area after the cut-off date are not entitled to compensation or any other form of resettlement assistance. All persons included in paragraphs (a), (b), or (c) are provided with compensation for loss of assets other than land.

Thus the lack of a title in land as such should not preclude the eligibility for compensation or other assistance offered in connection with the acquisition of land.

[5]Chapter in accordance with the LARFP.

It should be emphasised that in this case there is no group of people considered as a part of the group without a legal title to land. Moreover, persons who use land without a title are aware of the illegality of their actions and of the fact that the property may return to the rightful owner at any time and without financial compensation.

When it comes to assessing the impact on PAP, it is described in chapter 4.1. Social impact

8.2 Entitlements[6]

Project-affected people will be entitled to receive compensation and additional assistance according to the following principles:

• legal possessors of real property in the project's area shall receive full compensation with due account of the rule "land for land";

• lessees, tenants, life annuitants and other dependent possessors of real property in the project's area shall receive full compensation for the loss of these rights;

• possessors of limited property rights in real property in the project's area shall receive full compensation for the loss of these rights;

• owners of crops, plants, structures and other constructions attached to the land shall receive compensation for the crops, plants, structures and constructions;

• residents of houses and flats subject to Resettlement shall receive compensation according to the rules specified above as well as assistance in the Resettlement, adequate access to social infrastructure and, if necessary, a package of individually selected protective measures;

• PAPs who lose their income, pay or ability to carry out business activity shall receive adequate compensation and, if necessary, a package of individually selected protective measures;

• illegal possessors of real property in the project's area who have no legal title and no expectant right to obtain a legal title in the property shall receive no compensation for the expropriation from the real property, as that is not possible under Polish law. Yet these persons shall receive compensation for plants and constructions owned by them and, if necessary, a package of assistance required to improve, or at least restore, living conditions and livelihood.

PAP will be entitled to receive compensation for the following categories of effects/losses:

- **Permanent loss of land** – where possible and where PAP express such a will, the loss will be compensated in the form of "land for land" by way of granting the real property of a similar value, location and functions as the expropriated real property. If finding a real property that meets the criteria of adequate compensation is not possible, PAP will not express an intention to receive compensation in the form of "land for land", or if only a small part of the plot is subject to attachment, the compensation will be paid in cash and will correspond to the market value of the

[6]Chapter in accordance with the LARFP.

expropriated real property or any part thereof. In addition, for the immediate release of the property it will be possible to increase the compensation by an amount corresponding to 5% of the value of the expropriated property under the terms of the Special Flood Act. PAP not being owners or holders of perpetual usufruct rights, but having legal title to the property will receive compensation corresponding to the value of the expropriated rights. At the request of PAP, the investor may take over the real property in its entirety and compensate for the acquisition of the property according to the aforementioned principles. Any and all transaction costs, including taxes related to the granting of compensation for expropriation, will be covered by the investor. PAP who possesses properties within the area covered by the project without any legal title (illegally) shall not be granted any compensation for the expropriation of the land. However, they will receive compensation for plants, plantings and structures belonging to them and, if necessary, the package of assistance required to improve, or at least restore, living conditions and livelihood.

- **Permanent restriction of land use** as a rule, it will be compensated in cash, taking into account the loss of the market value of the real property. Depending on the case, specially selected protective measures will also be offered. At the request of PAP, the property, where permanent restriction of use of real property for project purposes is to occur, is expropriated and PAP will receive compensation under the terms applicable to the permanent loss of the property;
- **Residential buildings** – compensation will be carried out on the same basis as for permanent loss of the property. In addition, the relocated PAP will receive an additional payment in the amount of PLN 10 000. Depending on the case, such people can opt to receive replacement residential accommodation by the Investor. As for squatters, they are not entitled to compensation for land, however, in certain cases the investor will grant them adequate replacement accommodation. Such persons will be offered a package of protective measures, including assistance in finding their place of residence, and if they are unemployed or addicted, they will be offered actions supporting their position in the labour market and they will receive a proposal of appropriate treatment;
- **Buildings and non-residential structures (stables, fences, technical infrastructure)** – as a rule, owners and users of these buildings and structures are compensated on the basis applicable to the permanent loss of property. Within the framework of the protective measures the investor will propose the reconstruction of infrastructure networks - and where appropriate – of structures and buildings at the expense of investor. In addition, in case of local government units which have implemented or are implementing the affected buildings and structures by use of funds from the budget of the European Union or other foreign sources, financial compensation will be increased by the amount of the refundable funds of co-financing together with accrued interest;
- **Loss of crops** will be compensated to the benefit of PAPs in cash, taking into account the costs of making and maintenance of plantings, as well as the value of lost fruits in the period from the date of expropriation until the end of the full yield;
- **Loss of tree stand** will be compensated on the basis applicable to the loss of plantings. Depending on the case, compensation may also be made according to the estimate of the value of wood that could be obtained;

- **Impact on enterprises** will be compensated in cash by compensation for the damage actually incurred by an enterprise and a profit lost as a result of the Task. Billing and accounting documents or corporate income tax returns should be the grounds for the determination of such values. Should employees lose their work, they will receive unemployment benefits. Both employees as well as contractors working under civil-law contracts, in case of loss of earning capacity, will receive free-of-charge health insurance, assistance in search for work and help in the form of retraining vocational training aimed at finding new employment;
- **Loss or limitation in access to the social infrastructure** (e.g. parks) will be compensated as much as possible by restoring the infrastructure in the new appropriately located site. In the absence of possibility or the lack of the need to restore the infrastructure in the new site, PAP will have access to existing social infrastructure;
- **Cost of moving to a new location** – in order to cover the costs of household resettlement, PAPs will receive the amount of PLN 10 000. They will also be offered the package of protective measures including, if necessary, assistance in search for the transport company and coverage of transport costs exceeding the amount of PLN 10 000;
- **Vulnerable groups** will be covered by protective measures specially adjusted to their needs (schedule of measures' implementation in this field will be determined individually). With reference to children and school teenagers, the assistance will cover help in finding a new resettlement site which will enable them to continue education in the current school; the same rule applies for children attending nurseries and kindergartens. The elderly will be relocated to places devoid of architectural barriers which hinder movement and have equal or better access to health care, and which at the same time make it possible for the elderly to preserve their existing habits and lifestyle. The poor will be offered assistance in obtaining additional institutional support from government agencies, local government units and form non-governmental organisations competent in the scope of their problems;
- **Temporary loss of land** will be compensated in cash through the payment of monthly amounts corresponding to market prices of tenancy or lease of the real property. Moreover, in the case when due to the temporary occupation of the property PAP incur loss; such a loss will be separately compensated according to the aforementioned principles. After the completion of implementation activities, all properties will be restored to their original state;

- **Damage to houses, buildings and structures due to construction works (e.g. vibration, accidents, etc.)** will be compensated according to their nature in order to make the restoration of the full substance of the affected object or the purchase of a new one possible. Depending on the situation, appropriate rules for the payment of compensation to the above influences will be applied.

Details pertaining to qualification of beneficiaries to compensation are shown in Appendix No. 2 to this LA&RAP. That Appendix is not subject to publication due to the protection of personal data.

8.3 Entitlement matrix[7]

Impact / damage	Eligibility	Compensation
Permanent loss of land	Legal land owners and owner-like possessors of properties that can receive title	• "land for land" compensation • if "land for land" compensation is not possible or not wanted then financial compensation • coverage of all transaction costs, • after the Reservoir constructions is complete - lease priority right of the expropriates lands which are not occupied by the Reservoir.
	Illegal possessors	• no compensation for value of land.
	Holders of easement, mortgage, lien upon properties	• financial compensation for the lost rights, • for land easement holders - support in finding a solution allowing for using their property (holding the expropriated property), for example in establishing another right of way, • coverage of all transactional costs
	Illegal easement holders	• for illegal easement holders - support in finding a solution allowing for using their property (holding the expropriated property).
Permanent limitation in using properties	Legal land owners and owner-like possessors of properties that can receive title	• financial compensation for losses caused by the limitation, • coverage of all transactional costs, • proposing an institutional support and advising in the scope of possibilities of other use for properties.

[7]Chapter in accordance with the LARFP.

Impact / damage	Eligibility	Compensation
	Illegal possessors	• proposing an institutional support and advising in the scope of possibilities of other use for properties.
	Illegal easement holders	• support in finding a solution allowing for using their property (holding the expropriated property).
Residential buildings	Owners	• “land for land” compensation • if “land for land” compensation is not feasible or not wanted then financial compensation for lost land, • coverage of all transactional costs, • coverage of costs associated with resettlement process, • support in finding resettlement site or assurance of an apartment by the investor, • institutional and social support for the resettled people.
	Holders of easement, mortgage, lien upon properties	• financial compensation for the lost rights, • transaction costs covered,
Buildings and non-residential structures (stables, fences, technical infrastructure, etc.)	Owners, perpetual users, owner- like holders of buildings and structures	• financial compensation at replacement value for lost assets, • replacement or reconstruction of lost asset.
	Users	• financial compensation at replacement value for lost assets replacement or reconstruction of lost asset.
	Illegal possessors of buildings and structures	• financial compensation at replacement value for lost assets replacement or reconstruction of lost asset.
	Leaseholders, tenants, users of buildings or structures	• financial compensation at replacement value for lost assets replacement or reconstruction of lost asset.
Loss of plants	Owners, owner-like possessors of properties	• financial compensation including costs for arranging and curing of the planting and for lost crops, • allowing for collection of crops.

Impact / damage	Eligibility	Compensation
	Users	• financial compensation including costs for arranging and curing of the planting and for lost crops, • allowing for collection of crops.
	Leaseholders, tenants	• financial compensation including costs for arranging and curing of the planting and for lost crops, • allowing for collection of crops.
	Illegal possessors	• allowing for collection of crops
Community assets	Community	• reconstruction or replacement of the lost structure in consultation with community.
Temporary acquisition of properties	Owners, perpetual users, owner-like possessors of properties	• financial compensation, • reinstate the property to its previous status.
	Illegal possessors of properties	• reinstate the property to its previous status.
	Leaseholders, users of properties	• financial compensation, • reinstate the property to its previous status.

Details pertaining to eligibility of beneficiaries are shown in Appendix No. 2 to this LA&RAP. That Appendix is not subject to publication due to the protection of personal data.

9 Social consultations public and participation of the local community

In conjunction with obtaining a loan from the World Bank and the need to implement the principles pertaining to the resettlement process stemming from the OP 4.12 policy requirements, the Investor instigated actions aiming to engage the community in the development and implementation of the LA&RAP. Engagement of the local community is treated as one continuous process spread out in time, the correct performance of which should facilitate a minimisation of risks associated with the potential social conflict for the Task.

For that reason, the Investor during the period preceding publication of the LA&RAP, during works on the LA&RAP on November 6th, 2015 conducted a consultation meeting with the aim of involving the local community in drawing up this documents. During the meeting the local community was informed as to details such as:

- requirements stemming from the World Bank policies,
- detailed information on the planned scope of the investment,
- planned order of the Investor's actions,
- grievance redress mechanism,
- compensation principles within the scope of LA&RAP.

During the works on preparing this LA&RAP the Investor also conducted individual consultation meetings with the inhabitants. During the individual consultations the inhabitants were presented with the requirements stemming from OP 4.12, persons in charge of the Project, development and implementation of the LA&RAP, the planned order of PIU actions and compensation principles within the scope of LA&RAP. Issues pertaining to scheduling Reservoir construction works, possibility of leasing land in the Reservoir basin and acquiring replacement properties were discussed. The Investor remains in touch with PAP, so as to achieve the community involvement goals in the LA&RAP preparation process, i.e. a certain level of information and feedback which has to be taken into account in the process of correct preparation of the LA&RAP.

An information leaflet was also developed (appendix No. 7 to this LA&RAP), where in a clear manner the objective and scope of the investment, real property acquisition procedure and compensation disbursements as well as the policy for acquiring remnants are described for the local community.

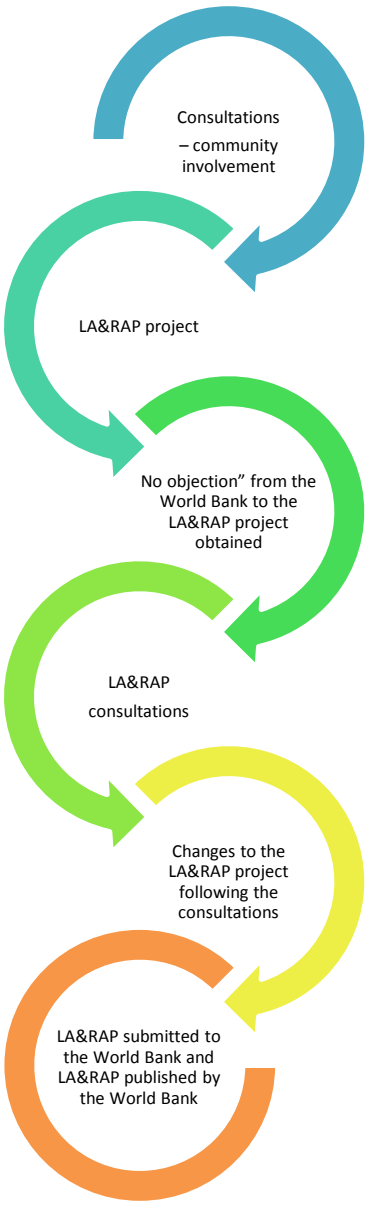


Figure 8 - Outline of community engagement in LARAP preparation

Following completion of works on the LA&RAP draft, after obtaining WB's "OK", an open meeting, a public discussion on the LA&RAP draft was held for all interested parties in the Kłodzko Municipality Office on 17 October 2016. The final document after obtaining the WB No Objection clause for the draft of the document will be made available to the interested parties until Project completion.

Rewarding the publication of the LA&RAP and the planned date for the public debate on the LA&RAP draft as well as on the opportunity to submit comments and requests to the draft LA&RAP, the community was informed by:

- information regarding the consultation on the the notice board of the RZGW in Wrocław,
- information regarding the consultation on the Kłodzko municipality website and notice board,

- notice in “Gazeta Kłodzka”,
- information regarding the consultation on the municipal information boards in Szalejów Dolny and Szalejów Górny,
- individual invitations sent by the Kłodzko municipality governor, Szalejów Górny and Szalejów Dolny village heads and persons whose real property will be subject to expropriation.

The public consultations took 21 days. Over this period, every interested party was able to read the draft LA&RAP and submit their comments. Comments to the draft LA&RAP could be submitted in writing directly or by post to the addresses:

Regional Water Management Authority in Wrocław

ul. C.K. Norwida 34

50-950 Wrocław

Regional Water Management Authority in Wrocław

Inspektorat w Kłodzku

ul. Kościuszki 1

57-300 Kłodzko

or by e-mail sent to: oppkk@wroclaw.rzgw.gov.pl.

During the public debate the local community submitted verbal and written comments to the draft LA&RAP. After the public debate, comments made by the community during the social consultations, wherever justified, were introduced into this LA&RAP.

Report on the performed public discussion constitutes Appendix 8 to this LA&RAP

10 Grievance redress mechanism

The present LA&RAP assumes that the Investor will make every effort in order to amicably resolve grievances pertaining to the Task. The grievances redress mechanism has to be differentiated in order to integrate it with administrative procedures applicable during different stages of Task preparation.

10.1 The general grievance redress mechanism

The general grievance redress mechanism will be applicable for the following grievances and requests:

a) submitted during public consultations on the draft of the current LA&RAP,
b) submitted prior to the Investor applying for the IPIP,

c) submitted during processing of the IPIP or the decision determining the compensation directly to the Investor,
d) submitted after the IPIP and/or the decision determining the compensation amount for the expropriated real property was issued.

With reference to this mechanism, the primary rule adopted by the Investor is granting the right to submit a grievance or request pertaining to the undertaking to everyone, regardless of whether their real property, right or assets are within the area designated for the Reservoir.

Submitting grievances and requests is free of charge. Furthermore, person submitting a grievance or request cannot be exposed to any detriment of accusation on that account.

Grievances and requests can be submitted in writing, electronic format, verbally and by telephone. They can be submitted:

- by e-mail to: oppkk@wroclaw.rzgw.gov.pl.
- verbally for the record or in writing to the following addresses:

Regional Water Management Authority in Wrocław

ul. C.K. Norwida 34

50-950 Wrocław

Regional Water Management Authority in Wrocław

Inspektorat w Kłodzku

ul. Kościuszki 1

57-300 Kłodzko

Grievances and requests will be archived in a separate register, indicating the date of filing, date of response consideration method.

If the processing of a grievance or request will require prior examination and clarification of the case, materials will be gathered, research and analyses will be conducted to that end. In such case a response to a grievance or request will be provided within 14 days of submitting it to RZGW WR. If clarification proceedings will not be necessary a response to a grievance or request will be provided within 7 days of its submission.

In especially complex cases and in cases where consideration of a grievance or request requires changes to the LA&RAP, the deadline for responding to a grievance or request will be extended to 30 days. If this deadline is too short, the party will be informed of the reason a substantive response to the grievance / request is not received within the deadline, together with an indication of a date by which such a response will be provided.

If a case is rejected, the person submitting the grievance or request will be exhaustively informed as to the reasons for the rejection.

The general mechanism for managing grievances and requests is shown below:

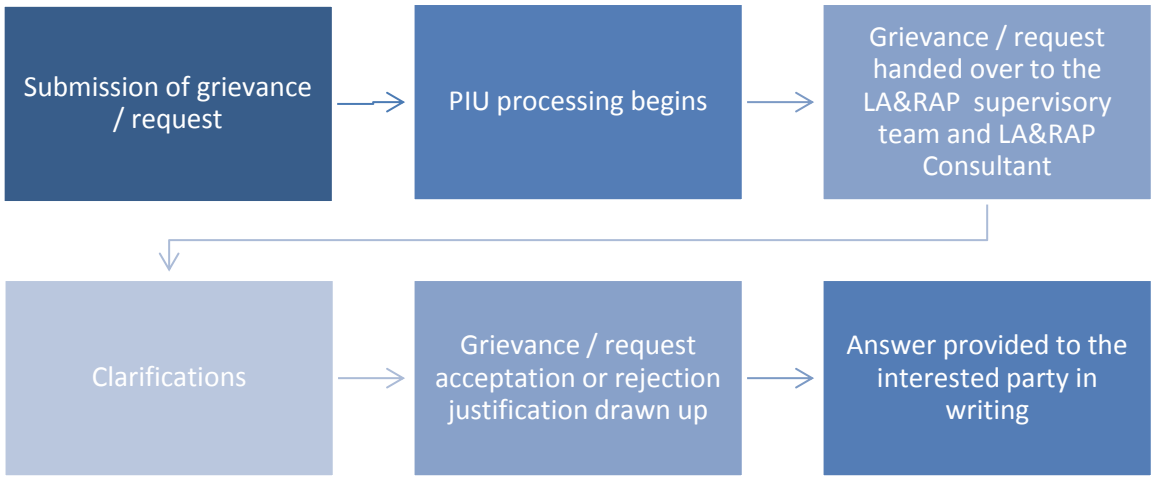


Figure 9 - The general mechanism for managing grievances and requests

10.2 Particular grievance redress mechanism

Particular mechanisms for managing grievances and requests are directly connected with the proceedings for issuing the IPIP and determining the compensation for the lost right to the real property and the associated assets (civil fruits, belongings or plant and machinery which cannot be used at another location). These will be used during the proceedings on issuing the IPIP, negotiations to determine the compensation conducted after the IPIP is issued, in the proceedings on the Lower Silesian Voivode issuing a decision determining compensation amount and appeals and court proceedings pertaining to the IPIP and compensation.

Persons whose real property are located within the Reservoir are parties to the proceedings on issuing the IPIP. They are entitled to a free of charge participation in the proceedings on issuing the IPIP, including to submit comments and requests in the case directly to the Lower Silesian Voivode. It should be highlighted that the submitted comments and requests to the proceedings do not always require the Investor to reply to them. In the event such a response is required, the Investor will assume a position immediately in the case and will provide it to the Lower Silesian Voivode. The Investor's responses will be delivered to the parties by the Lower Silesian Voivode.

If the parties are not satisfied with the decision issued by the Voivode, they will have the right to submit an appeal to the minister competent for construction issues (currently the Minister of Infrastructure and Construction). All declarations requests and evidence submitted to the proceedings before the Minister in charge of construction will have to be admitted by it and taken into account in issuing the decision.

If the Minister's decision is not satisfactory, the parties will have the right to make an appeal to the Regional Administrative Court in Warsaw. That court will investigate whether the Voivode and Minister conducted the proceedings in a correct and reliable manner, including within the scope of taking into account the comments, request and evidence submitted by the

parties to the proceedings. According to the regulations in force the appeal is subject to a PLN 500 court fee. Furthermore, the losing party is obligated to refund the costs of the court proceedings to the other party.

If the decision of the RAC will not be satisfactory for a party, it is entitled to appeal against a ruling to the Supreme Administrative Court. That court will not only investigate the correctness and legality of the proceedings conducted by the Voivode and the Minister, but also the RAC ruling. An appeal against a ruling is subject to a PLN 250 fee. Furthermore, the losing party is obligated to refund the costs of the court proceedings to the other party.

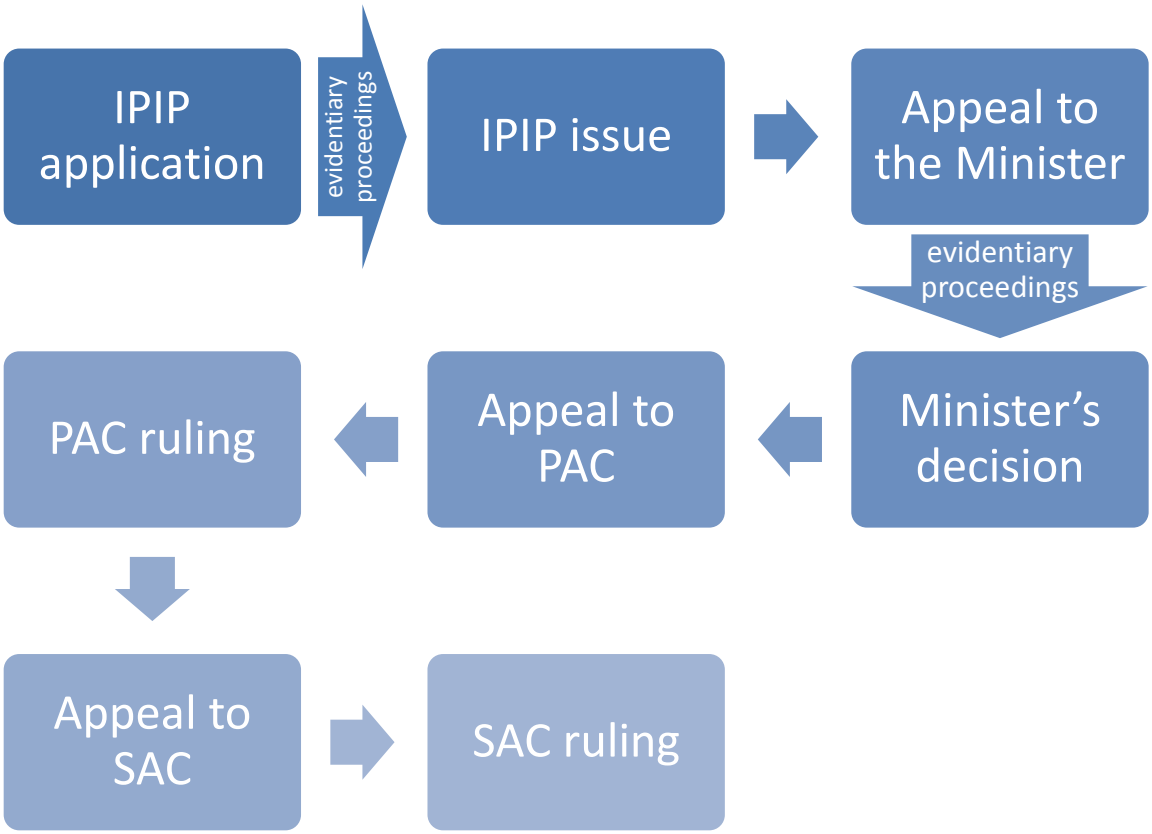


Figure 10 - Mechanism for managing grievances at the BP stage

After obtaining the final IPIP and determining the compensation for the lost right to the real property and the associated assets (civil fruits, belongings or plant and machinery which cannot be used at a new location) the negotiations concerning the amount of compensation will be held out of Investor's initiative. Objections submitted by the Parties at the negotiations stage will be archived in negotiation meeting reports. Reports and other documents sent mutually by the parties to one another during negotiations, unless an agreement is reached as to the compensation, will be provided to the Lower Silesian Voivode. These documents, next to the valuation, will constitute the basis for issuing a decision determining the compensation amount.

PAP entitlements in the proceedings to issue a decision determining the compensation amount are analogous as to those for proceedings on the issuance of IPIP. This means that PAP are entitled to an active, free of charge participation in these proceedings, to submit comments and requests, to appeal the decision issued by the Voivode and to appeal the appeals decision issued by the Minister of Infrastructure and Constriction to the Regional Administrative Court in Warsaw and then to the SAC.

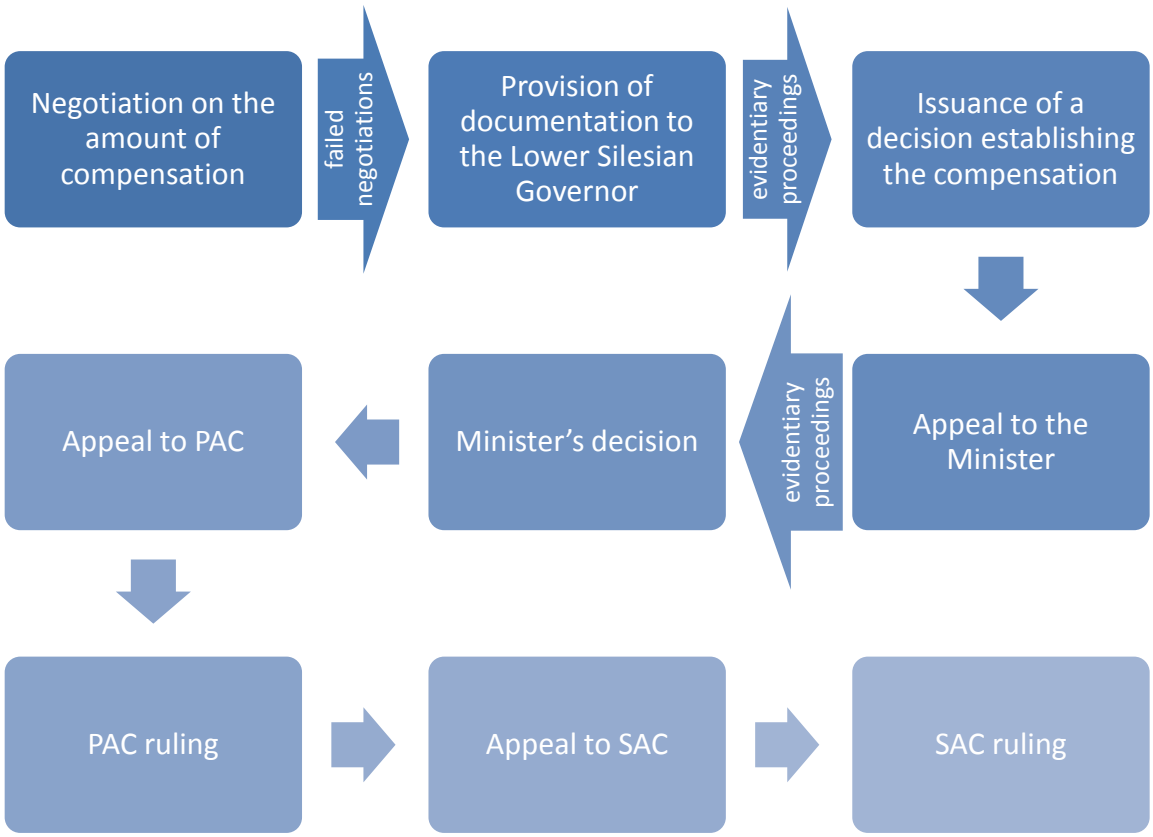


Figure 11 - Mechanism for managing grievances at decision determining the compensation amount stage

10.3 Grievance redress mechanism pertaining to the performance of the works Contract

The mechanism for submitting grievances and request pertaining to the performed building and assembly works by the Contractor will be implemented at the start of the entire process and will be applicable throughout the entire execution, functioning and closure of the Investment.

10.3.1 Location for submitting grievances and requests

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

1. Directly at the Task office, which will also assume the role of a consultation point (will be defined once the Consultant is selected):

Directly at the Employer's office:

Regional Water Management Authority in Wrocław

ul. C.K. Norwida 34

50-950 Wrocław

Regional Water Management Authority in Wrocław

Inspektorat w Kłodzku

ul. Kościuszki 1

57-300 Kłodzko

Additionally grievances and request can be submitted:

Via conventional post to the above address or:

Via the Internet:

e-mail: oppkk@wroclaw.rzgw.gov.pl

A telephone helpline will also be available.

10.3.2 Deadlines for handling grievances and requests

Deadlines for considering grievances and requests:

written confirmation of receptor of a grievance: within 7 days of receipt.

suggested solutions: immediately, up to 30 days from grievance receipt.

The principles for handling grievances and request cited in pos. 10.2 are also applicable for grievances of this type.

A suggested grievance registry form is shown in Appendix 6 to this LA&RAP.

10.3.3 Persons responsible for handling grievances and requests

In organisational structures the Employer will establish a unit (Social Consultant) responsible for contacts with the community and dealing with community grievances. This unit will also include one person from the Consultant - Engineer team, competent and experienced in this scope.

10.3.4 Audits and independent appeal mechanism

It is assumed that periodically (once every six months) internal audits will be performed of the grievances and request mechanism. The audits will assess the effectiveness of the implemented system.

11 Institutional structure and the implementation team

The institutional structure of the team drawing up this LA&RAP is presented on the diagram below:

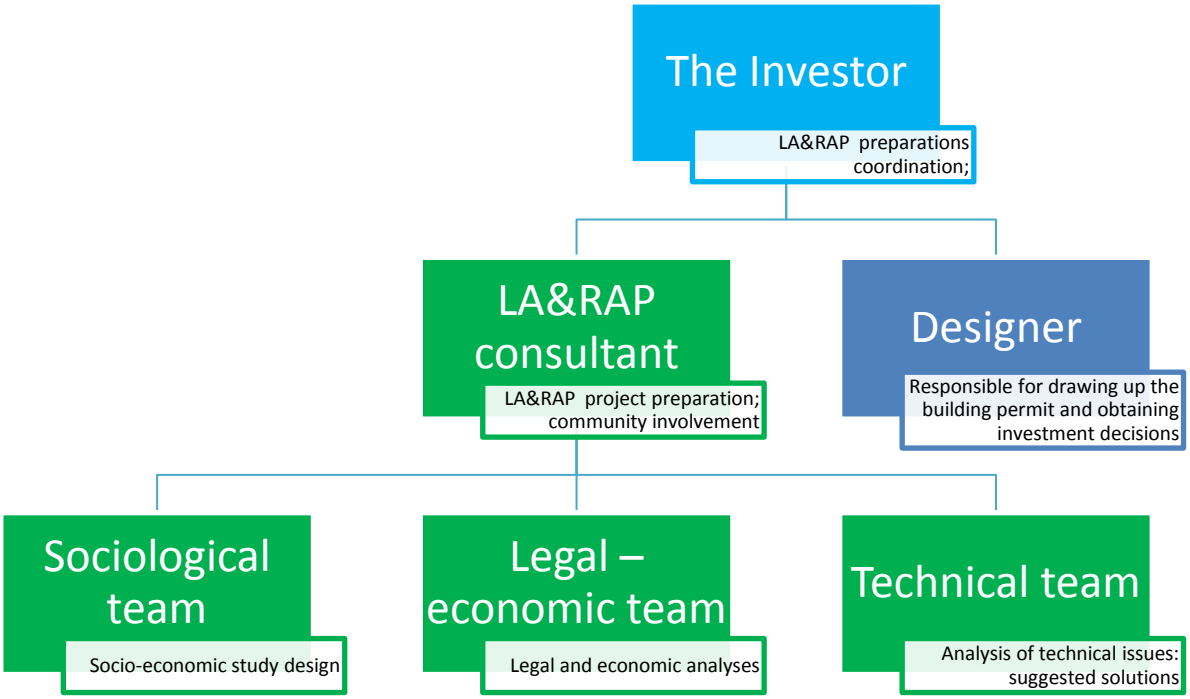


Figure 12 – The institutional structure of the team drawing up this LA&RAP

The LA&RAP consultant to draw up this LA&RAP is AECOM, Halcrow and BRL INGINIERIE.

The scope of competencies of the team drawing up the LA&RAP is as follows:

1. Investor – LA&RAP preparations coordination:
    a. supervision improving the drawing up of LA&RAP,
    b. ensuring flow of information between the LA&RAP Consultant and the Designer,
    c. ensuring changes which surfaced during preparation of the LA&RAP are introduced to the Construction Design,
    d. social consultations,
    e. monitoring the LA&RAP drawing up process,
2. LA&RAP Consultant – LA&RAP draft preparation:
    a. performance of socio-economic research and drawing up of socio-economic study,
    b. collection and analysis of data pertaining to real property use and development,
    c. social consultations process coordination,
    d. preparation of a proposal for minimising impact and technical analysis of these proposals provision of Construction Design change proposals to the Investor,
    e. qualification analyses,
    f. preparation of compensation packages,
    g. preparation of the LA&RAP document draft.
3. Designer
    a. Construction Design,
    b. administrative decisions including decision on environmental conditions and IPIP,
    c. technical analysis of Construction Design changes presented by the Consultant.

The team drawing up the LA&RAP on the LA&RAP Consultant's side is not a part of the Investor's organisational structure.

The scope of competencies of the LA&RAP implementation team is as follows:

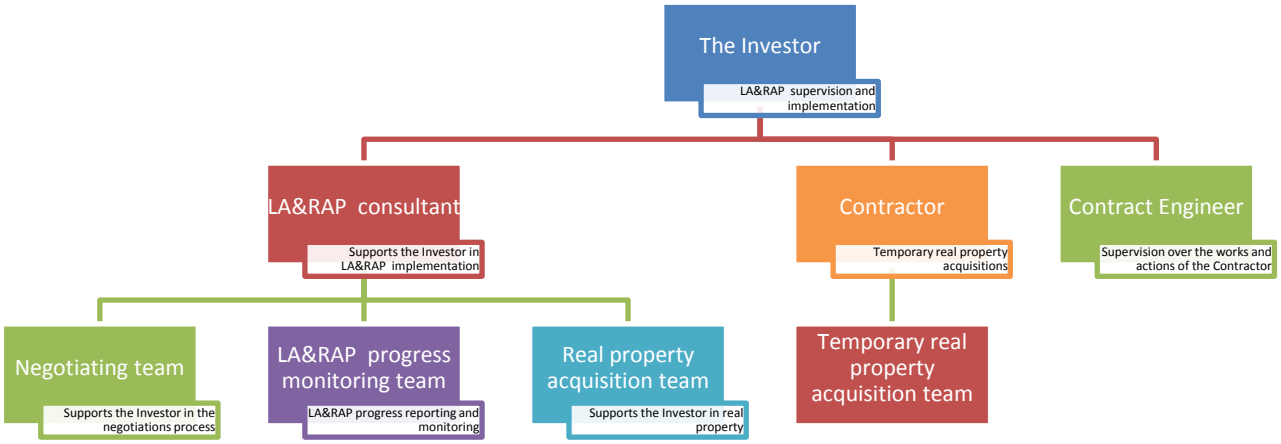


Figure 13 – The scope of competence of the LA&RAP implementation team

The scope of competencies of the LA&RAP performance team is as flows:

1. Investor
    a. supervision improving the implementation of LA&RAP,
    b. concluding compensation agreements,
    c. compensation disbursement,
    d. ensuring flow of information between the LA&RAP Consultant. Engineer and the Contractor.
2. LA&RAP Consultant
    a. planning and participation in negotiations,
    b. preparing opinions and valuations by surveyors for the needs of negotiations with PAP,
    c. monitoring of the LA&RAP implementation by the Contractor and Engineer,
    d. suggesting remedies in the event of problematic situations,
    e. acquiring real property.
3. Engineer
    a. supervision over commencement and performance of works,
    b. control of execution of the Contractor's duties.
4. Contractor
    a. acquiring real property for temporary acquisitions,

b. disbursement of compensation for real property acquired for temporary acquisitions,

c. performance of works on real property permanently acquired,

d. returning real property temporarily acquired to the original state.

12 Monitoring and assessment

Monitoring of the execution of LA&RAP is an integral part of the contract monitoring and management system. Therefore, for the purposes of monitoring implementation of LA&RAP tools will be used for monitoring of implementation of the contract, which task is reporting to funding agencies and provision of existing information on the problems of fortuitous events and irregularities. This allows for the inclusion of the LA&RAP implementation process to the investment process as an integral part thereof, and obtaining an overall picture for the immediate response in case of problems or irregularities. Here, ensuring appropriate cooperation between the Consultant, PIU and PCU is paramount.

The overall monitoring procedures and evaluations are described in the document entitled Land Acquisition and Resettlement Action Plan available at:

http://www.odrapcu.pl/doc/OVFMP/Ramowy_dokument_dotyczacy_Przesiedlen_i_Pozyskiwania_Nieruchomosci.pdf.

Figure 14 - LA&RAP implementation monitoring outline

A crucial role in the LA&RAP monitoring implementation is played by logging facts by the Consultant and by the PIU, notably by correspondence register, the register of the progress of acquiring title to the property for construction purposes, and the register of the progress of payment of compensation. The data contained in these registers are taken into account in compiling data on the number of acquired real property and the amounts and types of compensation handed over in accordance with Appendix No. 1.

All changes are recorded in the registers. Based on the aforementioned registers the following parameters are monitored in detail:

a) number of real property for expropriation and expropriated,
b) number of people requiring resettlement and resettled,
c) quantity of real property for temporary acquisitions (planned and actual),
d) amount of all expenses for the resettlement process (planned and actual)
e) compensation disbursed for loss of legal title to real property,
f) compensation disbursed for loss of income sources,
g) acquired and granted replacement real property,
h) degree and status of protective actions,

i) number of grievances.

Such a LA&RAP performance monitoring system makes it possible to react quickly in case of problems and facilitates efficient reporting within the framework of the existing Contract management systems. The document will be updated once per quarter.

The main indicators, which will be monitored with reference to the Contract executed by the RZGW WR are shown in the table below.

Indicator	Source of information	Frequency of monitoring	Progress indicator
Assumed parameters			
Quantity real property subject to expropriation	IPIP decision	Once after decision is issued	No of pieces
Quantity real property subject to permanent restrictions	IPIP decision	Once after decision is issued	No of pieces
Number of project affected persons (PAP) - expropriated	Land mortgage register, land and property register, IPIP decision	Once after decision is issued Ongoing updates during the process of negotiating and disbursing compensation	Quantity
Amount of all expenses for the resettlement process inc. compensations (planned)	RZGW WR/Consultant registers	Monthly / Quarterly	PLN
Quantity of acquired real property	RZGW WR/Consultant registers	Monthly / Quarterly	No of pieces
Achieved parameters:			
Amount of all expenses for the compensations (expenses)	RZGW WR financial records	Monthly / Quarterly	PLN
Quantity of acquired real property	RZGW WR/Consultant registers	Monthly / Quarterly	No of pieces
Efficiency indicators			
Number of grievances	RZGW WR /Consultant registers	Monthly / Quarterly	No of pieces
Disbursed compensation, miscellaneous	RZGW WR financial records	Monthly / Quarterly	PLN

ATTENTION: The process of acquiring real property for temporary acquisitions: the Contractor will be entirely responsible for this process, but assurance of conformity with the requirements of the LA&RAP will be the Investor's responsibility.

13 Costs and budget

Item No.	Item	Price in PLN/m^2	Surface area [ha]	Sum
1	Building plot	27.85	0.1123	31,275.55
2	Developed arable land	28.50	2.1072	600,552.00
3	Arable land, forests, tree- and shrub-covered land, pastures, meadows	3.44	131.0692	4,508,780.48
4	Unanticipated costs (20 % of the sum of items No.: 1-3)	does not apply	does not apply	1,028,121.61
5	Protective measures (20 % of the sum of items No.: 1-3)	does not apply	does not apply	1,028,121.61
6	Release of real property within less than 30 days of the last IPIP (5% added to the sum of items No.: 1-3)	does not apply	does not apply	257,030.40
7	Total:			7,453,881.64

Estimates of the costs referred to above were developed on the basis of average market prices of real property in the analysed area, established on the basis of sales prices for agricultural real property and construction for the analysed area offered on the websites involved in the sale of real property. These values were shown for the needs of budgeting and may change after valuations are drawn up.

14 Schedule

A detailed schedule of real property acquisition constitutes Appendix No 3 to the present document.

Drawing up LA&RAP			
Step	**Action**	**Responsibility**	**Verification**
1	Initial assessment of Tasks social consequences	Joint Venture - legal and social issues team	RZGW WR – LA&RAP verification team
2	Determination of the final scope of expropriation and drawing up of a Construction Design	Designer	RZGW WR – LA&RAP verification team
3	Determination of the coordination framework within the scope of LA&RAP with the government administration appropriate authorities	Joint Venture - legal and social issues team	RZGW WR – LA&RAP verification team
4	Collection of excerpts and copies from land and property register and local development spatial plans	Joint Venture - legal and social issues team	RZGW WR – LA&RAP verification team
5	Assessment of Tasks social consequences	Joint Venture - legal and social issues team	RZGW WR – LA&RAP verification team
6	Verification and update of collected materials, analyses impacts and economic analyses	Joint Venture - legal and social issues team	RZGW WR – LA&RAP verification team
7	LA&RAP draft preparation	Joint Venture - legal and social issues team	RZGW WR – LA&RAP verification team
8	LA&RAP social consultation	Joint Venture - legal and social issues team	RZGW WR – LA&RAP verification team
9	Changes to the Construction Design as a result of social consultations	Designer	RZGW WR – LA&RAP verification team
10	Within the scope stemming from taking into consideration comments and requests - Verification and update of collected materials, analyses impacts and economic analyses	Joint Venture - legal and social issues team	RZGW WR – LA&RAP verification team

Drawing up LA&RAP			
Step	**Action**	**Responsibility**	**Verification**
11	Within the scope stemming from taking into consideration comments and requests - LA&RAP amendments	Joint Venture - legal and social issues team	RZGW WR – LA&RAP verification team
12	LA&RAP submission to the World Bank	RZGW WR	PCU
13	No remarks from the World Bank	WB	
14	LA&RAP publication (it is also published on the World Bank's website)		RZGW WR – LA&RAP verification team

LA&RAP IMPLEMENTATION			
Step	**Action**	**Responsibility**	**Verification**
1	Determining detailed LA&RAP performance schedule	Consultant – real property acquisition team	RZGW WR – LA&RAP performance and monitoring team
2	IPIP applications	Designer	RZGW WR – LA&RAP performance and monitoring team
3	PIU acquiring real property which can be used as substitute	Consultant – real property acquisition team	RZGW WR – LA&RAP performance and monitoring team
4	IPIP	Designer	RZGW WR – LA&RAP performance and monitoring team
5	Provision of information on obtaining the IPIP to PAP and the investor's further steps	Consultant – real property acquisition team	RZGW WR – LA&RAP performance and monitoring team
6	Real property valuation by valuers in accordance with the law and valuation verification	Consultant – real property acquisition team	RZGW WR – LA&RAP performance and monitoring team
7	Expropriated individuals receive property valuations and negotiations are held	Consultant – real property acquisition team	RZGW WR – LA&RAP performance and monitoring team
8	If negotiations unsuccessful - Voivode's decision as to compensation amount	Consultant – real property acquisition team	RZGW WR – LA&RAP performance and monitoring team

LA&RAP IMPLEMENTATION			
Step	**Action**	**Responsibility**	**Verification**
9	Disbursement of compensation or handing over of substitute real property, commencement of other compensation and protective actions as prescribed by the LA&RAP	Consultant – real property acquisition team	RZGW WR – LA&RAP performance and monitoring team
10	Physical acquisition of expropriated real property and commencement of works	Contractor	RZGW WR – LA&RAP performance and monitoring team
11	LA&RAP implementation evaluation	Consultant – real property acquisition team	RZGW WR – LA&RAP performance and monitoring team

CYCLICAL TASKS			
Step	**Action**	**Responsibility**	**Verification**
1	Internal permanent LA&RAP implementation monitoring	Consultant – real property acquisition team	RZGW WR – LA&RAP performance and monitoring team
2	Reporting to the World Bank	RZGW WR – LA&RAP performance and monitoring team	PCU
3	Permanent coordination with national and local administration bodies	RZGW WR – LA&RAP performance and monitoring team	PCU
4	Permanent communication with PAP	Consultant – real property acquisition team	RZGW WR – LA&RAP performance and monitoring team

POST IMPLEMENTATION TASKS			
Step	**Action**	**Responsibility**	**Verification**
1	LA&RAP implementation evaluation	Independent third party auditor	World Bank

15 Appendices

15.1 Real property acquisition progress monitoring table

Table attached in an electronic version

15.2 Table - list of real property, owners and impacts

Table attached in an electronic version

15.3 Real property acquisition schedule

Schedule attached in an electronic format

15.4 Maps with investment area shown

Maps attached in an electronic version

15.5 Socio - economic study

Study attached in an electronic version

15.6 Form for submitting grievances to the Consultant (based on WB guidelines)

Case No.:	
Name and surname *Note: a grievance may be submitted anonymously or non disclosure of your name may be demanded*	Applicant's name_____ Applicant's surname_____ ☐ I wish to submit an anonymous compliant Do not disclose my personal data without my consent

Contact details **Please indicate the most convenient way to contact the applicant (e-mail, telephone, post)**	**By conventional post (provide correspondence address):** _____ _____ _____ _____ **By telephone:** _____ **E-mail**_____	
Preferred communication language	**Polish** **English** **Other (please state)** ……..	
Description of the grievance or issue subject-matter	Issue / grievance subject-matter, when did it take place, state location, list persons involved, what are the consequences of the situation	
Date of incident / occurrence of the subject-matter of the grievance / issue		
	One off issue / grievance (date_____) **More than one instance (how many_____)** **In progress (problem in existence today)**	
In the applicant's opinion, what actions would solve the problem ?		

Signature:_____ Date: _____ **Please provide this form to:** **[Surname]** **H&S inspector** **[Company name]** **Address** _____ **Tel.:**_____ **or E-mail:**_____

15.7 Information leaflet

The leaflet has been enclosed in an electronic version.

15.8 Report on the performed public discussion on the draft LA&RAP

The Report has been enclosed in an electronic version.