

LAND ACQUISITION AND
RESETTLEMENT ACTION PLAN



FINAL REPORT on the
implementation of the
activities indicated in
LARAP
WORKS CONTRACT
3D.2/1

ODRA-VISTULA FLOOD
MANAGEMENT PROJECT





FINAL REPORT ON THE IMPLEMENTATION OF THE ACTIVITIES INDICATED IN THE LAND ACQUISITION AND RESETTLEMENT ACTION PLAN

FINAL VERSION

ODRA-VISTULA FLOOD MANAGEMENT PROJECT

FINAL REPORT ON IMPLEMENTATION OF THE LAND ACQUISITION AND RESETTLEMENT PLAN FOR WORKS CONTRACT IMPLEMENTED BY THE STATE WATER HOLDING POLISH WATERS - REGIONAL WATER MANAGEMENT AUTHORITY IN CRACOW

COMPONENT 3:
FLOOD PROTECTION OF THE UPPER VISTULA

SUBCOMPONENT 3D:
Passive and active protection in San basin

WORKS CONTRACT 3D.2/1
Construction of the right embankment of the Biala River in the City of Tarnów

ISSUE	DATE	AUTHORS	REVIEWED BY	CLIENT'S APPROVAL	DESCRIPTION
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PROJECT IMPLEMENTATION UNIT:

The State Water Holding Polish Waters represented by
the Director of the State Water Holding Polish Waters
Regional Water Management Authority in Cracow
with the registered office at 22. Marszałka J. Piłsudskiego St., 31-109 Cracow

THE DOCUMENT PREPARED BY:

State Water Holding Polish Waters
Regional Water Management Authority in Cracow
Project Implementation Office of the Odra-Vistula Flood Management Project
Technical Assistance Consultant, AECOM Polska Sp. z o.o.

ODRA-VISTULA FLOOD

MANAGEMENT PROJECT CO-FINANCED BY:

World Bank, Loan Agreement no. 8524 PL
Council of Europe Development Bank (CEB), Framework Loan Agreement no. LD 1866
European Union Cohesion Fund (OPI&E 2014 - 2020)
State Budget

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SUMMARY

Subject of the Contract:

Within the scope of Works Contract 3D.2/1, a new section of the flood protection embankment with a length of 695 m was constructed, together with accompanying infrastructure on the right bank of the Biała River (register chainage of the Biała River at km 5+046 – 6+186) in the city of Tarnów, Małopolskie Province. The implemented investment closed a gap in the city's flood protection system along the section between km 4+651 and 5+346 of the existing embankment.

**Completion date of
Investment implementation
(of completion of works)**

March 17, 2022

**Date of awarding "NO"
for the LARAP:**

May 6, 2020

**Number and category of
PAPs:**

1 PAP (Municipality of Tarnów), 1 PAP (Polish State Railways S.A. – as user or perpetual usufruct of properties belonging to Municipality of Tarnów) and 189 PAPs – 188 allotment garden users and PAF (who was the owner of liquidated equipment of the common part of the allotment garden intended for use by all the allotment garden users) in connection with the removal of part of the Family Garden Allotment "SEMAFOR"

Sum of compensations

PLN 3,815,058.16 – monetary compensations in the amount of the replacement value of assets lost by PAPs (permanent occupation, permanent restrictions and the obligation to reconstruct the network – sum from column Q in Appendix 4), including:

PLN 3,783,370.16 – compensations paid to PAPs

PLN 31,688.00 – compensations paid to court deposit

Permanent occupation:

8 municipal properties (Municipality of Tarnów) - the Family Allotment Garden "SEMAFOR" was located on 4 of the 8 properties

Permanent restriction in property use:

**Number of properties and
ownership class:**

4 properties: 1 municipal property (Municipality of Tarnów), 3 State Treasury properties (for 2 properties, perpetual usufruct by Polish State Railways S.A.)

Obligation to reconstruct the network (reconstruction of networks existing before the implementation of the Contract: overhead power line, water supply system, medium pressure gas network):

7 properties: 1 property jointly owned by the Treasury and natural person, 3 municipal properties (Municipality of Tarnów), 3 State Treasury properties

Right to use a property for construction purposes:

8 properties: 7 municipal properties (Municipality of Tarnów), 1 State Treasury property

Key issues:

- in connection with expropriations, payment of compensation for land and constituent components in the amount of the replacement value,
- in connection with a permanent restriction in the use of properties, payment of compensation in the amount of loss in the value of land due to the restriction,
- in connection with the obligation to reconstruct the network, the payment of compensation in an amount depending on the time of occupation of the property and putting the condition into order after completion of network reconstruction,
- due to the removal of allotment gardens, payment of compensation for plantings and building structures to users of allotment gardens and the allotment federation (PAF) and implementation of additional mitigation measures.

Key achievements:

- compensations were paid to the former owners/co-owners/perpetual users for the land and appropriately for all components and plantings permanently fixed to the ground, and if the legal status was unsettled, compensation was placed to the court deposit (*for a detailed description – see chapter 3.5.1 Permanent occupation*),
- compensation was paid to allotment garden users and the allotment federation for any building structures and plantings belonging to them,
- compensation was paid for a permanent restriction in the use of properties (in 3 of 3 cases of paid PR) (*for a detailed description – see chapter 3.5.2 Permanent restrictions*),
- compensation was paid for temporary occupation of plots resulting from the obligation to reconstruct the network (in 6 out of 6 cases of the paid ORN) (*for a detailed description - see chapter 3.5.3 Obligation to reconstruct the network*),
- in connection with the right to use a property for construction purposes, performance of works and tidying up the properties (this type of property occupation is free of charge),

Unresolved issues and negative impacts of Task implementation:

- in 5 cases, compensation - in the absence of an entitled person (allotment garden owner) - was directed to a court deposit – the PIO's strategy for payment of compensation from the deposit is described in chapter 3.5.3.

1. LIST OF ABBREVIATIONS USED IN THE DOCUMENT

AP	Affected Population
World Bank (WB)	International Bank for Reconstruction and Development (IBRD)
PCU	Project Coordination Unit operating within the structures of the National Water Management Authority of the State Water Holding Polish Waters
CEB	Council of Europe Development Bank (CEB)
DEC	Decision on environmental conditions
RLB	Register of land and buildings – a register containing data, which e.g. remain a basis for business planning, spatial planning, assessment of tax and benefits, marking of properties in a mortgage register, register of farms
Investor/Employer/PIU (until 12/31/2017)	Marshal, on behalf of whom the Małopolskie Board of Amelioration and Water Structures in Cracow acted - Odra-Vistula Flood Management Project (OVFMP) Implementation Unit
Investor/Employer/PIU (from 01/01/2018)	SWH Polish Waters – Regional Water Management Authority in Cracow - Odra-Vistula Flood Management Project (OVFMP) Implementation Unit
Engineer	See Consultant
PIO	Project Implementation Office formed within the PIU; a separate organisational unit responsible for implementation of the Contract/Investment
Consultant/Engineer/Contract Engineer	Company or legal person providing services for the Investor Technical Assistance Consultant for the OVFM Project – AECOM Polska Sp. z o.o.
Contract/Works Contract/Investment/Project	WORKS CONTRACT 3D.2/1 Construction of the right embankment of the Biala River in the City of Tarnów
C.C.	Act of April 23, 1964 – Civil Code
CAP	Act of June 14, 1960 – Code of Administrative Procedure
LARPF or RPF	Resettlement Policy Framework
MZMiUW	Małopolskie Board of Amelioration and Water Structures in Cracow
LARAP	Land Acquisition & Resettlement Action Plan
OP 4.12	The symbol of a document containing the principles of conducting involuntary resettlement required for Contract co-financing with a World Bank loan: Operational Policy 4.12 – Involuntary Resettlements.

EIA	Environmental Impact Assessment
PAP	Project Affected Person(s)
SWH PW RZGW in Cracow	State Water Holding Polish Waters - Regional Water Management Authority in Cracow
PSR	Polish State Railways S.A.
IPIP	Investment Project Implementation Permit in the scope of flood protection structures
POM	Project Operations Manual
Project / OVFP	Odra-Vistula Flood Management Project
Construction Law	Act of July 7, 1994, Construction Law
Water Law	Act of July 20, 2017 – Water Law
PAF	Polish Allotment Federation Self-governing, independent, non-governmental social organisation continuing the more than 120-year tradition of the allotment movement in Poland. Operates based upon the Act of July 8, 2005 on family allotment gardens.
EMP	Environmental Management Plan
Valuer / expert	Natural person with state professional qualifications within the scope of property valuations
RDOŚ	Regional Director for Environmental Protection
Special Flood Act	Act of July 8, 2010 on specific terms of preparing for implementation of projects in the scope of flood protection facilities
Special Decision	Decision on the Investment Project Implementation Permit (IPIP) issued based upon the Special Flood Act
PR	Permanent restriction to the manner of property use
ORN	Obligation to reconstruct the network
PDDG	Right to use property for construction purposes
RPM	Act on Real Estate Management of August 21, 1997
PAC	Provincial Administrative Court
SAC	Supreme Administrative Court

Contractor	Entity executing the Works Contract, in this case: KELLER POLSKA Sp. z o.o. 172. Poznańska St., 05-850 Ożarów Mazowiecki, Poland
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2. INTRODUCTION

The execution of Works Contract 3D.2/1 was finished on March 17, 2022 and all civil works have been implemented. The Land Acquisition and Resettlement Action Plan (LARAP) for *Works Contract 3D.2/1 Construction of the right embankment of the Biala River in the City of Tarnów* has been implemented (in 5 cases, compensation - in the absence of an entitled person (allotment garden user) - was directed to a court deposit). The aim of the Final Report on Implementation of the Land Acquisition and Resettlement Plan (LARAP FR), prepared in accordance with the requirements of the *Project Operations Manual* and the *Land Acquisition and Resettlement Policy Framework* (together with 2 RPF updates: *Update no. 1 - Resettlement Framework (June 2022)* and *Update no. 2 – Resettlement Policy Framework (November 2023)*)¹, is to document the process of land acquisition and to assess if it meets the requirements under OP 4.12, or whether there are any corrective actions that still need to be taken. For Contract 3D.2/1, as outlined in the next chapters of this Report, this aim has been achieved and corrective measures are no longer required. In 5 cases, compensation in the absence of an entitled person (the user of the allotment garden) was transferred to a court deposit. The PIO has developed a strategy, described in this Report that will be applied to facilitate eligible persons to withdraw the deposited compensations.

In line with the assumptions made in the Land Acquisition and Resettlement Action Plan, an ex-post evaluation was made after the implementation of the LARAP and the evaluation confirms that the mitigation measures regarding economic impacts of a minor scale in terms of livelihood, but affecting a large group of users of allotment gardens, including users without a contract have been implemented and properly documented. **It is concluded that all the measures described in the LARAP have been implemented and that each known entity affected by the project (family, individuals, legal entities) has obtained compensation and its standard of living has improved or at least been restored, with the exception of 5 cases where compensation has been placed with the court deposit as there were no persons eligible for payment of compensation (the user has died and his heirs have not conducted inheritance proceedings or the heirs are unknown).** The PIO has established a strategy that will be applied to facilitate eligible persons to withdraw the deposited compensations.

This Report presents therefore an account of the implementation of the measures planned in the LARAP for *Works Contract 3D.2/1 Construction of the right embankment of the Biala River in the City of Tarnów* implemented as part of the *Odra-Vistula Flood Management Project (OVFMP)*, co-financed by the International Bank for Reconstruction and Development (World Bank or WB), Council of Europe Development Bank (CEB), and the State Budget.

The task was executed on the area of the Municipality of Tarnów in the Małopolskie Province. The scope of Works under Contract 3D.2/1 has not changed and remains the same as described in Chapter 1.2 of the LARAP.

The Task location is presented on the attached general drawing (**Appendix no. 1** to this document).

Key Contract performance dates:

¹ <https://odrapcu.pl/projekt-opdow/dokumenty-opdow>

Date of signing the Contract:	09/10/2020
Date of handing over the Construction Site:	10/21/2020
Commencement date of Works:	11/02/2020
Completion date of Works:	03/17/2022
End date of the Quality Guarantee and Warranty Period:	10/14/2027

The executed construction of a section of the flood protection embankment of the Biała River has provided flood protection for 15 hectares of areas of the city of Tarnów, assuring the protection of developed areas (including approx. 300 inhabitants of 2 residential estates developed with detached houses and multi-family houses) and limitation of flood losses (about 600 houses and outbuildings, commercial and service buildings, medical care units, offices (e.g. Office for Municipal Roads of Tarnów) and educational-cultural-sport centres).

Properties had to be acquired to implement the Task which is linear in nature (extension of a new section of embankment with a length of 695 m together with accompanying infrastructure), but did not result in the physical or economic resettlement of households.

Table 1. Area and number of properties acquired and impacts of Contract 3D.2/1.

	Total number of hectares	Total number of plots	State Treasury plots	%	Plots of natural persons	%	Municipal plots	%	Number of PAPs	The loss of assets					
										Crops**	Decorative plantings and grass***	Building structures****	Number of deposits	Physical resettlement	Economic resettlement
Permanent occupation/expropriation	1.8384	8	0	0	0	0	8	100	1+1				0	0	0
Number of allotment gardens removed	-	279	-	-	-	-	-	-	189 (188 and PAF)	0	280	1271	-	0	0
Permanent restrictions to the manner of property use (PR)	0.1486	4	3	75	0	0	1	25	1				0	0	0
Obligation to reconstruct the network (ORN)	0.0936	7	3	42.8	1*	14.4	3	42.8	2				0	0	0
Right to use property for construction purposes (PDDG)	35.7538	8	1	12.5	0	0	7	87.5	1				-	-	-

* joint ownership of properties - ST and natural person

** the liquidation of the gardens took place in the winter, which allowed PAP to collect all the crops

*** in each allotment garden that was liquidated there were ornamental plants and/or a lawn (a detailed inventory of perennials, shrubs and trees by species, age and number of plants was prepared for each allotment garden)

**** type of building structures: gazebos and tool sheds – 239 pcs., toilets – 24 pcs., brick composters – 142 pcs., trellises and/or pergolas - 235 pcs., brick barbecues – 56 pcs., greenhouses – 8 pcs., swings – 12 pcs., dovecote – 1 pc., fence – 204 pcs., walkways – 215 pcs., water connections – 135 pcs. (details are provided in Appendix no. 4).

Parts of 8 properties belonging to the Municipality of Tarnów were subject to permanent occupation/expropriation for the benefit of the State Treasury under Contract 3D.2/1, with the total area of 1.8384 ha (from 116 m² to 6,439 m², depending on the plot). The Family Allotment Garden "SEMAFOR" was located on 4 of the 8 plots covered by the IPIP decision (plots with register numbers 1/35, 1/37, 1/39 and 1/41 (in part)), while plots with register numbers 1/27, 1/29, 1/31, 1/33 were used as access roads.

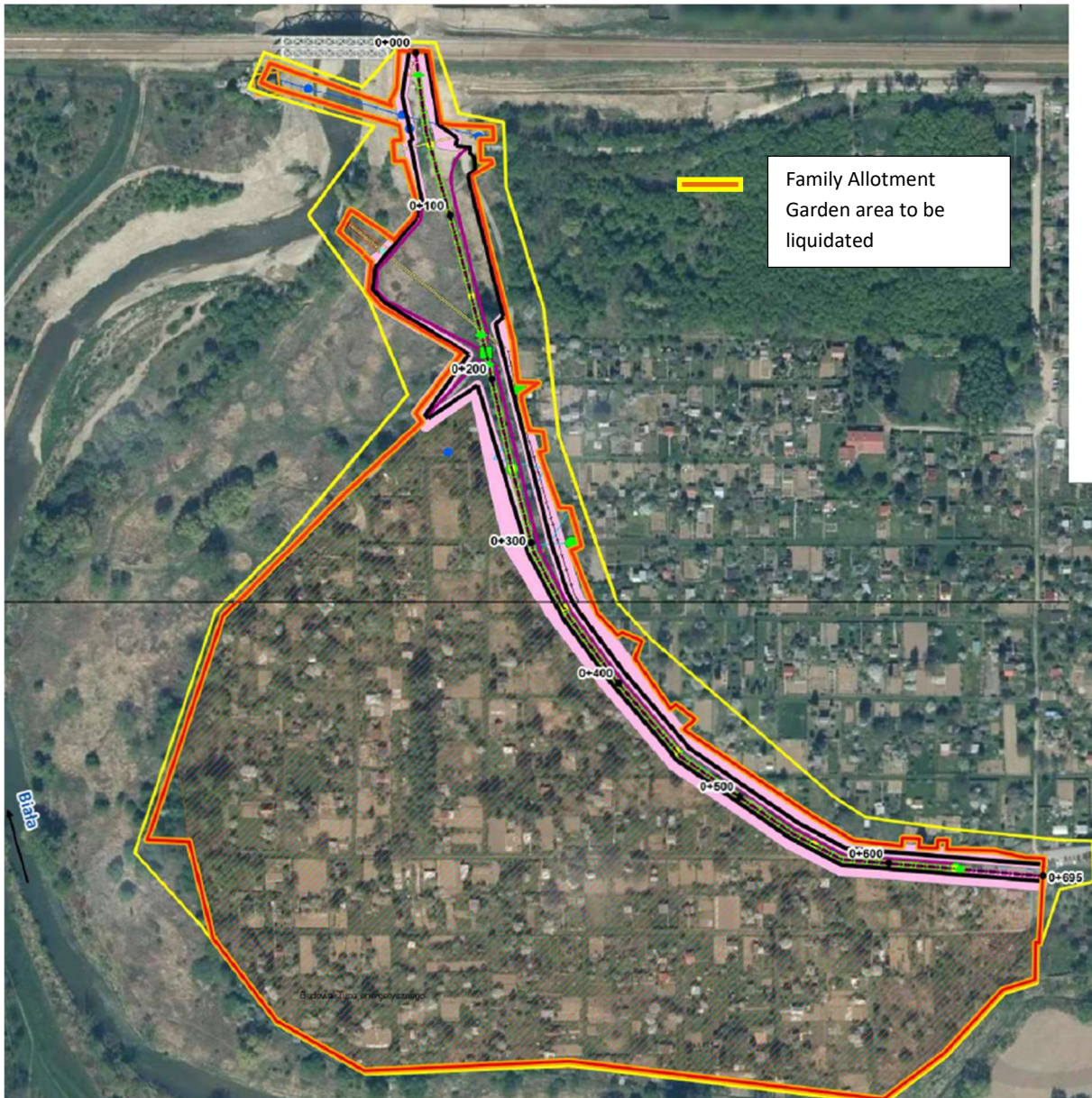


Photo 1 Location of the embankment on the orthophotomap.

Some of the allotment gardens located within the FAG had to be removed to implement the project, therefore. Allotment gardens located directly under the foot of the embankment, as well as allotment gardens located in the newly created embanked area of the Biafa River, were subject to removal. The area of the removed allotment gardens is presented in photo 2.

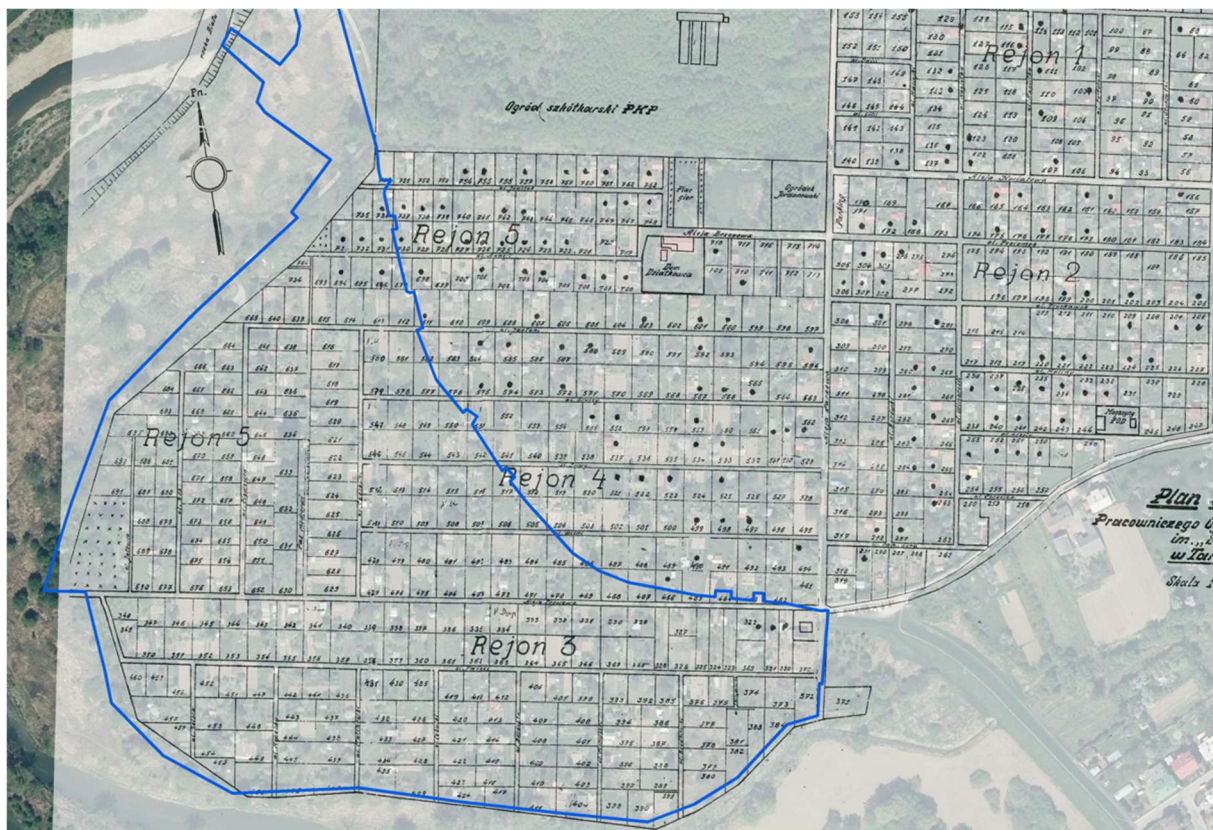


Photo 2 The area of the FAG SEMAFOR removed due to the implementation of Contract 3D.2/1.

An additional problem that was identified was that on plots 1/35 and 1/37 the garden was operating illegally, i.e. without the right of use, so additional mitigation measures had to be taken to enable compensation to be paid to the allotment holders and PAF – according to Polish law this compensation was due to the municipality. Thanks to mediation with the Mayor of Tarnów and the involvement of the Province Governor of Małopolskie in the agreement process, it was possible to reach an administrative settlement under which compensation was paid to the actual users of the allotment gardens and PAF for the plantings and building structures belonging to them, despite the fact that they occupied the land without any rights (i.e. illegal users), thus ensuring compliance with OP 4.12. Thanks to the actions described above, informal users were subject to the same rules for paying compensation as formal users.

Another issue that had to be legally regulated (according to Article 21(10)(1) and (2) of the Special Flood Act) was the provision of a replacement property to enable the restoration of the removed part of the gardens. Such a property was obtained and offered to the allotment federation, which, however, refused to accept it (these actions are described in detail in chapter 3.5.1).

Allotment garden users were identified during socio-economic studies who wished to continue such leisure activities as cultivation and recreation in the Family Allotment Gardens. Thus, with the help of the PAF, a database of allotment gardens unused across 15 FAGs operating in and around the city of Tarnów and, for the entire period of agreement and compensation payments, assistance

was offered to anyone willing to find another allotment garden where they could continue their hobby. These activities were also part of the fulfilment of the requirements of operational policy OP 4.12.

As shown by the results of survey studies, permanent occupation of properties had an insignificant or negligible impact on the incomes of the households analysed after the end of investment execution. There was no case where subject to permanent occupation were parts of properties developed with residential buildings, farm buildings or other buildings, being a place of permanent residence or being the basis for the generation of income. Many of the negative emotions that arose at the beginning of the implementation were eliminated thanks to proactive mitigation measures (consultations, an information point set up on the FAG site, individual arrangements with PAPs who wanted to take away elements of the development or replant plants, starting work only after harvesting the crops, etc.).

All impacts were minor, with no impacts identified in any case in terms of, inter alia, loss of sources of income, jobs, accessibility to infrastructure, loss of farming opportunities, loss of enjoyment of natural assets/access to parks, reserves, access to educational institutions, cultural facilities, etc.

The implemented Task has had a positive social impact, as assets, jobs and, in the extreme case, the lives of PAPs are protected from the disastrous impact of flood.

The local community had a very positive attitude towards the implemented project during the execution of the works, because the embankment construction protected their lives and assets from the floods likely to occur in the future.

Complaints and requests - which all were considered - (for details see chapter 4) concerning the said Contract were received during the execution of works.

Listed below are addresses of websites where information on Task implementation is published. All the implemented Tasks (implemented under OVFMP with the World Bank's co-financing) have a huge social impact by providing flood protection for this area:

- <https://tarnow.naszemiasto.pl/nowe-waly-przeciwpowodziowe-wokol-bialej-w-tarnowie-miasto/ar/c1-8701461>

- <https://www.malopolska.uw.gov.pl/PressArticlePage.aspx?id=11792>

- <https://www.temi.pl/tarnow/biala-mniej-niebezpieczna-dla-tarnowa>

- <https://www.instagram.com/p/CTpDWfstfNT/>

- <https://tarnow.naszemiasto.pl/powodzie-ze-strony-bialej-w-tarnowie-juz-nie-groza-przy/ar/c1-9164125>

- <http://www.firma-chrobok.pl/index.php/realizacje>

- <https://www.skanska.pl/oferta/realizacje/280757/Rozbudowa-walow-przeciwpowodziowych-w-Tarnowie>

- <https://dziennikpolski24.pl/wiele-malopolskich-rzek-topi-ludziom-podworka-i-domy-grozne-staly-sie-powodzie-blyskawiczne-jakie-zabezpieczenia-szykuja-wody/ar/c1-18613505>

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https://inzynieria.com/geoinzynieria/zabezpieczenia_przeciwpowodziowe/wiadomosci/61730,rozbudowa-walow-przeciwpowodziowych-w-tarnowie

- <https://gazetakrakowska.pl/tarnow-ponad-40-mln-zl-na-rozbudowe-walow-przeciwpowodziowych-wzdłuż-białej-tarnow-będzie-lepiej-chroniony-przed-powodzią/ar/c15-15709116>

Information about Contract 3D.2/1 was also posted on the social networking site Facebook, where registered users can create networks and groups, share news and photos. Screenshots of the websites are included in **Appendix no. 2**.

3. SUMMARY OF MAIN ACTIVITIES EXECUTED UNDER THE CONTRACT

3.1. DESCRIPTION OF THE OPERATION OF PROPERTY ACQUISITION

PROCEDURES

Properties were acquired under the provisions of the Special Flood Act and the Act on Real Estate Management. The Project Implementation Unit (PIU), when implementing this Task, also applied all the principles resulting from the World Bank's Operational Policy OP 4.12, as well as the procedures of conduct indicated in the *Resettlement Policy Framework (RPF) and in its 2 updates*² and in the *Land Acquisition and Resettlement Action Plan*³.

The rules arising from Polish legislation, World Bank's policy OP 4.12 and the LARAP were complied with during the execution of works. The guiding principle of the activities was to achieve the effect of improving or at least restoring PAPs' living conditions, and assuring long-time balanced use of environmental resources within that area. **This effect has been achieved, as is described below.**

Procedures for acquisition of properties were described in detail in the LARAP for Works Contract 3D.2/1, which was awarded a "No objection" clause from the WB on 05/06/2020. There were no gaps/inconsistencies in LARAP implementation that would require corrective measures. In 5 cases where compensation was placed with the court deposit, a procedure to support those entitled to payment - described in this Report - was implemented.

3.2. PUBLIC CONSULTATION

Public consultation was held at every stage of the Contract's preparation and implementation. Engagement of the local community is treated as one continuous process spread out in time, the correct implementation of which should facilitate a minimisation of risks associated with the potential social conflict for the Contract. Public consultation was held at the stage of:

1. Obtaining a water permit,
2. Obtaining an environmental decision,
3. Obtaining an investment project implementation permit,
4. Establishing the compensation and when preparing for performance of construction works.

Additionally, public consultation was also conducted in connection with the preparation and public release of documents resulting from the World Bank's operational policies, i.e. the Environmental Management Plan and the Land Acquisition and Resettlement Action Plan (including during the socio-

² <https://odrapcu.pl/dokumenty/ramowy-dokument-dotyczacy-przesiedlen-i-pozyskiwania-nieruchomosci/> - the basic document adopted and approved by the WB in April 2015, its update no. 1 approved in June 2022 and update no. 2 approved in November 2023

³ <https://odrapcu.pl/projekt-opdow/dokumenty-opdow/> - LARAP for Contract 3D.2/1 was adopted and approved by the WB on 05/06/2020

economic study). The public consultation, conducted as part of the public release of the Draft Land Acquisition and Resettlement Action Plan, is described in detail below. For more information on public consultation, see chapter 8 of the LARAP.

After the completion of works on the draft IPIP and after obtaining on its basis the World Bank's acceptance for the commencement of the public disclosure procedure, the document was subject to public consultation conducted in accordance with the requirements of the World Bank's operational policy (OP 4.12), the purpose of which was to enable individuals, institutions and all interested parties to become familiar with the content of the document and to ensure the possibility to submit any comments, questions and conclusions to its content.

In accordance with Operational Policy OP 4.12, the public disclosure of the Draft Land Acquisition and Resettlement Action Plan commenced on **January 15, 2020**, when an announcement was published in the TEMI Galician Information Weekly (a local journal). The announcement invited natural persons, authorities and interested institutions to inspect the Draft LARAP for the Works Contract 3D.2/1.

Each interested party could familiarise oneself with the draft LARAP between **January 15, 2020 and February 5, 2020** (inclusive) (paper version) displayed for inspection at the office of:

1. State Water Holding Polish Waters, Regional Water Management Authority in Cracow (SWH PW RZGW in Cracow), 22. Marsz. J. Piłsudskiego St., 31-109, at working days from 9:00 a.m. to 2 p.m.,
2. Water Supervision in Tarnów, 5. Ostrogskich St., 33-100 Tarnów, on working days from 7:30 a.m. to 3:30 p.m.,
3. OVFM Project Office, AECOM Polska Sp. z o.o., 1. Pokoju Alley (K1 building – 4th floor), 31-548 Cracow, working days from 7:30 am to 3:30 pm.

or with the electronic version of the document published on a publicly accessible website:

1. SWH PW RZGW in Cracow at - www.krakow.wody.gov.pl,
2. City Office of Tarnów at – www.tarnow.pl,
3. Polish Gardening Federation, Małopolskie Region in Cracow – www.malopolski.pzd.pl,
4. Project Coordination Unit at – www.odrapcu.pl.

Each interested party could submit comments and motions concerning the Draft LARAP in writing and orally to the protocol at the above-mentioned addresses or in electronic form to the e-mail address: jrp.krakow@wody.gov.pl on working days from 01/15/2020 to 02/05/2020 (inclusive). The institution competent to examine the comments and motions was the SWH PW RZGW in Cracow, the contact person: Mr Rafał Sionko tel. +48 12 62 84 209.

Detailed information on the possibility of familiarising oneself with this document and the possibility of submitting motions and comments (including contact details: telephone numbers, e-mail address, addresses of places where the draft document may be consulted, office hours) was published in the Announcement posted in the following places:

1. at the website of SWH PW RZGW in Cracow at - www.krakow.wody.gov.pl, PAF of the Małopolskie Region in Cracow - www.malopolski.pzd.pl; PCU at - www.odrapcu.pl, City Office of Tarnów at – www.tarnow.pl;
2. in the local press – TEMI Galician Information Weekly;

3. on notice boards in the office of SWH PW RZGW in Cracow, in the City Office of Tarnów and PAF of the Małopolskie Region in Cracow;
4. as well as on notice boards in places visited by the local community, in particular on the area of Family Allotment Gardens SEMAFOR, notice boards of other Family Allotment Gardens located in the area of Tarnów, e.g. Jaskółka FAG, local notice boards.

Information was also given in above-mentioned announcement on the possibility of participating in open meetings and discussions for all interested persons, organisations and institutions planned for February 6, 2020 (including the place, date and time of the meeting).

In addition, the information (personal or invitation was referred to Councils) was sent to public institutions interested in Project implementation:

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

Publication of the Draft LARAP was commenced officially on **January 15, 2020** and was completed after 21 days, on **February 5, 2020**. During the publication process for the Draft Land Acquisition and Resettlement Action Plan, no questions or requests were received, either by e-mail or telephone, and were not submitted personally to SWH PW RZGW in Cracow, Water Supervision in Tarnów, Consultant's Project Office. However, an interest was noted in this document, which was made available for inspection in electronic form. Downloads of files from the websites included in the notice were observed.

An open meeting for the public concerning public consultation for the Land Acquisition and Resettlement Action Plan for Contract 3D.2/1 *Construction of the right embankment of the Biala River in the City of Tarnów*, implemented as part of the Odra-Vistula Flood Management Project, took place at a venue located near the place of residence of persons affected by the Project at the Mirror Hall of the City Office of Tarnów, 10. Wałowa St., 33-100 Tarnów on February 6, 2020 at 3.00 p.m.

The meeting was attended by 20 persons, among the participants were representatives of the City Office of Tarnów, Regional Management Board of PAF, FAG Semafor Management Board. The meeting was also attended by representatives of units directly involved in OVFMP implementation: Project Implementation Offices from SWH PW RZGW in Cracow, Project Coordination Unit and the Engineer – Consultant Team (including: Project Manager, Designer and the Land Acquisition Team).

The meeting was opened by the Head of the Project Implementation Office from SWH PW RZGW in Cracow, who welcomed those attending the meeting and handed over the floor to Ms Barbara Chammas, Project Manager of the Engineer-Consultant team. Ms Barbara Chammas welcomed the guests and briefly presented the purpose of the meeting and thanked the local authorities of the city of Tarnów, representatives of the Regional Management Board of PAF and Semafor FAG for their involvement and assistance in the activities conducted related to property acquisition. She then handed over the floor to the Senior Support Expert for Properties and Technical Assistance for the Client in the Engineer/Consultant team, who gave a multimedia presentation:

1. The objective and funding for the OVFMP was briefly discussed.
2. It was explained why the draft LARAP was developed and what the procedure for making it public was.
3. Information on Contract 3D.2/1 (physical scope, area protected from flooding due to the execution of the Contract in question) was presented.
4. Most attention was paid to legal regulations concerning the payment of compensations within the newly created embanked area and under the embankment, compensation agreement procedures, submission of appeals and conc. redress and grievance mechanism.
5. The progress of the process of agreeing upon and paying compensation for allotment gardens planned for removal, located in the embanked area, was discussed.
6. Particular attention was paid to the issue of changing the investor was discussed, i.e. liquidation as of 12/31/2017, the Małopolskie Board of Amelioration and Water Structures in Cracow and appointing a new entity on 01/01/2018 - State Water Holding Polish Waters, which entered into the rights and obligations of the liquidated entity. The coincidence of these events with the time of issuing the IPIP decision for the Contract in question and the coming into force of this decision was discussed, apologies were made for the lack of actions taken at that time in relation to agreeing compensation, and it was reported that on 02/05/2020 an application was submitted to the Province Governor of Małopolskie to determine the amount of compensation for the allotment gardens planned for removal, located under the embankment and how further steps related to the payment of compensation will now proceed.
7. The meeting participants were informed about the possibility of receiving an indisputable part of the compensation despite a possible appeal against the Governor's decision setting the amount of the compensation.
8. The attendees were briefed on the purpose and content of the Draft LARAP and Operational Policy OP 4.12 was discussed. While discussing the issues relating to the Draft LARAP, the Consultant paid particular attention to measures to minimise social impacts and the Contractor's obligations regarding the rules for acquiring properties for temporary occupation, which will be on his side, and relate to an extent of occupation greater than that indicated in the implementation permit decision. The final area of temporary occupation will be determined by the Contractor, who will be selected by the Investor in a public bidding procedure. Its representatives will be contacting the owners/holders of the land near the embankment to agree the terms of occupation. The process will be implemented based upon the rule of voluntariness and upon the rules determined in the agreement concluded between the property owner and the Contractor of works. The process will be monitored by the investor and the Consultant acting on its behalf (a template of an agreement for temporary acquisition is included in the Draft LARAP, which will need to be used by the Contractor for Contract 3D.2/1).

After the presentation, the floor was given over to the participants of the meeting.

After the end of the presentation, the person conducting the meeting answered questions asked by the participants.

The Consultant was not able to provide a comprehensive answer to some of the questions, as the questions concerned a very wide range of issues, also topics not related to the investor's activities, but

also the activities/inactions of the Regional Management Board of PAF, FAG Semafor Management Board and the City Office of Tarnów; the representatives of the institutions to which the questioner made allegations also joined the discussion.

The President of FAG Semafor informed that information on the planned investment was provided to allotment holders at the General Assembly every year. Allotment holders have been aware for decades that such an investment would take place on the site. He further pointed out that, in addition to the change of the investor, the designers had also changed several times so that the plots could be used for much longer than expected. He expressed a positive opinion of the Investor's actions, indicating that the allotment holders from the embanked area were very satisfied with the compensation offered to them, as they reported that they had not expected such amounts. He confirmed that in June 2019, it was officially reported that this was the last season of using the allotments planned for removal. He knows that the valuations under the embankments will be later, but he assumes that the amounts will be equally satisfactory, and this is a fundamental issue in securing allotment holders' interests.

He also addressed the issue of proposed replacement properties. On behalf of himself and the entire Board, he pointed out that the proposed site is a degraded area, with an unknown possible contamination level, and its reclamation would require financial outlays, and it is unclear whether allotment holders would ultimately choose to move there anyway. This is all the more so as a transshipment or waste collection point will be built in the vicinity.

A representative of the Regional Management Board of PAF also took the floor, indicating that the part of the Semafor FAG, which is being taken away, was expropriated by force of law for a public purpose, and the basis for the decision was the Special Flood Act. This process is irreversible, while he wants to thank for the actions on the part of the Investor, who is working together with Management Board of FAG Semafor (he thanks very much for the Board's involvement) to satisfy all the allotment holders. It is unlikely that everyone will be satisfied, but he asks that if there are indications of this, allotment holders should formulate unequivocal objections rather than denying everything that is presented by the Investor.

A second representative of the Regional Management Board of PAF also spoke in the discussion. This person indicated that family allotment gardens were not organised on such land. The person also informed that the Regional Management Board of PAF had received official information from the Mayor about replacement properties and the consultation process for the site was currently underway. A written request was directed to the FAG Semafor Management Board for an opinion on the suitability of the site. After obtaining the opinion, a decision will be made through a resolution and the PAF Board at national level will also be involved in the process.

The topic of replacement properties was also raised in a statement by a representative of the City Office of Tarnów. The City Office's representative referred to the issue raised by PAPs concerning the land belonging to the Municipality located between Jana Pawła II Street to Wola Rędzińska. As explained by a representative of the Tarnów City Office, the area was mostly returned to the former owners and the remaining small part of the area has a different designation in the Local Development Plan.

It was agreed that, using the questionnaire provided, after the meeting it would be possible to send questions by e-mail on issues that had not been fully clarified.

After these arrangements, the meeting was concluded.

One of the meeting participants, in line with the declaration made, sent a completed questionnaire form on 02/06/2020 to the e-mail address of the PIO at SWH PW RZGW in Cracow (indicated in the notice). Some of the questions - relating directly to the investment and to the activities of the former and current Investor - were answered in writing, together with information that the Investor had requested the Mayor of Tarnów and the FAG Board to address the questions applying directly to these institutions/authorities. This part of the questions was addressed in writing to those directly concerned and, following their responses/positions, the correspondence was forwarded to the PAPs.

Remarks and motions provided during the debate were analysed in terms of necessary correction to the final version of the document. Considering the nature of questions asked during public consultation, the authors of the document made modifications and additions thereto, as resulting from the publication procedure.

All meeting participants were requested to collect information brochures on the compensation payment procedure and appeal procedure, including contact details of the Investor and Consultant with telephone numbers where further information can be obtained. PAPs were also encouraged to take more copies of the brochure and hand it over to neighbours.

The final LARAP document, after obtaining the WB's no-objection on 05/06/2020, was made available to interested parties, i.e. posted on the website and remained there until the completion of Contract execution.

Activities in the area of public consultation were carried out in accordance with the provisions of the LARAP. There were no gaps/inconsistencies in LARAP implementation that would require corrective measures.

3.3. ADMINISTRATIVE DECISIONS OBTAINED

For the Task in question, the Investor has obtained the following decisions in the area of environmental protection, water management and construction law:

- Decisions on environmental conditions:
 - Decision of the Regional Director for Environmental Protection in Cracow of 11/30/2016 on environmental conditions, reference: ST-I.4210.1.2015.MB for execution of the project encompassing the construction of the right embankment of the Biała River at local chainage km 0+000 – 0+695 in the city of Tarnów, according to option “2”.
- Legal water permit:
 - Decision of the Director of the Regional Water Management Authority in Cracow of 02/16/2017, reference ZU-430-45/16 granting a water permit for construction of the right embankment of the Biała River in Tarnów.
- Decision on the investment project implementation permit (IPIP);
 - Investment project implementation permit decision of the Province Governor of

Małopolskie no. 01/2017 of 08/31/2017 for the implementation of the investment titled *Construction of the right embankment of the Biala River at local chainage km 0+000 – 0+695 (register chainage of the River Biała km 5+046 – 6+186) in the City of Tarnów, Municipality of Tarnów, City on District Rights – Tarnów*, ref. no.: WI-IX.7840.1.1.2017.

- Decision on the building structure occupancy permit:
 - Decision of the Małopolskie Province Construction Supervision Inspector in Cracow no. 417/2022 of 10/13/2022, ref.: WIB.771.1.9.2022.ACIE issued in favour of SWH Polish Waters on the building structure occupancy permit;
 - Certificate issued by the Małopolskie Province Construction Supervision Inspector in Cracow, ref.: WIB.770.139.2022.ACIE of 11/28/2022 stating the validity and finality of decision no. 417/2022 of 10/13/2022, ref.: WIB.771.1.9.2022.ACIE.

The administrative decisions were awarded in accordance with Polish law in compliance with the operational policy OP 4.12 and in accordance with the rules laid down in the LARPF and LARAP. There were no deviations in the implementation of the LARAP.

3.4. REGISTER OF EXPROPRIATIONS (ACQUISITION OF PROPERTIES) – DATA ANALYSIS

Decision no. 01/2017 of 08/31/2017, ref.: WI-IX.7840.1.1.2017, identified the properties subject to permanent occupation and necessary for investment implementation: a total of **8** plots were identified with the area of **1.8384 ha** (see **Appendix no. 4**). All the plots were owned by local authorities, i.e. Municipality of Tarnów (public plots).

A site visit, conducted at the stage of preparing a socio-economic study, and the examination of registration documents revealed that the areas taken over for the purpose of investment implementation from the existing owners include, in particular, area of the Family Allotment Garden SEMAFOR.

The Polish Allotment Federation proved use rights to properties no. **1/8 (1/39⁴)**, **1/21 (1/33⁴)**, **1/23 (1/41⁴)** and **1/1, precinct 274 Tarnów** (a part of the plot with an area of 0.1903 ha). That right resulted from the following decisions of the Mayor of Tarnów:

- of March 12, 2018 (ref. no.: WGN.RGM.6844.31.332.1.2015/BHK) conc. plots 1/8, 1/21, 1/23, precinct 274 Tarnów,

- of March 15, 2018 (ref. no.: WGN.RGM.6844.31.332.2.2015/BHK) conc. plots 1/1. precinct 274 Tarnów.

The Polish Allotment Federation does not have the use right to properties no. **1/14 (1/37⁴)**, **1/19 (1/35⁴)**.

⁴ Number of plots after division.

Considering the lack of the right to use the properties **1/14 (1/37⁴)**, **1/19 (1/35⁴)**, PAF and users - based on Polish law regulations - were not entitled to compensation for the part of the allotment gardens SEMAFOR removed on the said properties. By introducing additional mitigation measures, however, compensation was paid to the PAFs, i.e. users of the allotment gardens located on the properties, for plantings and building structures belonging to them, thus ensuring compliance with operational policy OP 4.12 (according to the entitlement matrix described in the LARAP).

Table 2. List of properties subject to permanent occupation with indication of the right of use by the PAF and the manner of use of the property.

No.	No. of property subject to permanent occupation after division	Owner	Entity holding the use right	Manner of property use
1	1/35	Tarnów Municipality	None	Allotment gardens
2	1/37	Tarnów Municipality	None	Allotment gardens
3	1/39	Tarnów Municipality	PAF	Allotment gardens
4	1/41 (in part)	Tarnów Municipality	PAF	Allotment gardens
5	1/27	Tarnów Municipality	None	Access roads
6	1/29	Tarnów Municipality	None	Access roads
7	1/31	Tarnów Municipality	None	Access roads
8	1/33	Tarnów Municipality	PAF	Access roads



Plots with the right to use PAF

- Plot 1/23 (formerly) - now 1/41 and 1/42
- Plot 1/21 (formerly) - now 1/32 and 1/33
- Plot 1/8 (formerly) - now 1/38, 1/39 and 1/40

Plots with the right to use PAF – contested with PKP

- Plots 1/14 (formerly) now 1/37 and 1/19 (formerly) now 1/35

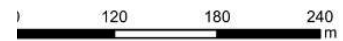


Photo 3 Map indicating properties to which the PAF has user rights, and properties to which the PAF does not have any rights (permanent occupation and permanent restriction in the manner of use).

Detailed information on the number of plots (including allotment gardens located on them), their area and ownership is included in the summary table attached as **Appendix no. 4**.

Due to permanent occupation, it is necessary to remove any building structures and plantings, which are located within the area developed with the embankment and accompanying infrastructure. The area of FAG to be removed for construction of the embankment is **1.2076 ha**.



Photo 1. Exemplary allotment garden – FAG SEMAFOR – that was located within the investment area (more photos in **Appendix no. 6**).

An additional important legal provision, which was indicated in the IPIP decision and is not associated with permanent occupation, but is associated with social impact, was the necessary removal of a part of Family Allotment Gardens SEMAFOR located within the embanked area, which would be formed after construction of the flood embankment – area of **12.2791 ha**.

13.4867 ha the total area of Family Allotment Gardens SEMAFOR that were removed.

The area of the newly formed embanked area is larger, as it amounts to 16.0877 ha, but not the entire area is occupied by allotment gardens – 12.2791 ha only. The remaining area of about 4 ha is green land, riverside, not managed for use.

All construction objects were removed from the area of Family Allotment Gardens SEMAFOR intended for construction of embankments and for creating the embanked area (garden sheds, tool cotes, etc.), as well as the existing fences, water pipe, power line. Fruit and ornamental trees and bushes were

removed. Other elements of small architecture, e.g. composting units, benches, trellis for vine, etc. were also liquidated.

A total of 279 allotment gardens were removed:

- 94 allotment gardens – not used, which – in accordance with data obtained from the FAG Management Board – did not have users and did not have valid contracts for their use (nor lease agreements etc.), were neglected, and lack of user for those gardens was proved by a site visit; compensation for these allotment gardens has been paid the Polish Allotment Federation,
- 185 allotment gardens – in use, used by 188 PAPs.

The following assets were subject to liquidation: ornamental plantings, lawns, building structures: gazebos and tool sheds – 239 pcs., toilets – 24 pcs., brick composters – 142 pcs., trellises and/or pergolas - 235 pcs., brick barbecues – 56 pcs., greenhouses – 8 pcs., swings – 12 pcs., dovecote – 1 pc., fence – 204 pcs., walkways – 215 pcs., water connections – 135 pcs. Detailed information on lost resources is included in **Appendix no. 4**, sheet 2 "User Summary".

The use and its manner or lack of use of individual allotment gardens was confirmed by a detailed inventory conducted by the Commission, which consisted of a property valuer, a botanist specialist, a garden user who accepted the inventory report or, in the case of unused gardens, the President of the Management Board of ROD Semafor together with a second person from the Management Board. On-site inspections were conducted individually for each allotment garden, and the Commission was also provided with access to the interior of each gazebo and/or tool shed. Photographic documentation was prepared from the inspection. It has been confirmed that no gazebo is a permanent place of residence for PAP.

3.5 COMPENSATION AND MITIGATION MEASURES, IMPACTS OF THE CONTRACT

3.5.1. Permanent occupation

Compensation was paid for all properties that were subject to compensation payments, i.e. 8 municipal properties. A total of PLN 721,901.60 was paid for 8 properties to the City of Tarnów.

Compensation was paid for the removed allotment gardens, i.e.:

- to users of allotment gardens for plantings and building elements belonging to them (in any case regardless of the PAF's right of use);
- to PAF for unused allotment gardens (in any case regardless of PAF's right of use) and for common parts (only if PAF had a right of use over the land).

The compensations paid to the former owners of properties consisted of the following amounts (**Appendix no. 4**):

- for land, in all 8 cases, to the former owner (Municipality of Tarnów) (total amount of PLN 721,901.60);
- for plantings and building elements – 279 cases (PAF and 188 PAPs) (total amount of PLN 3,087,640.56).

Compensation was not increased by a bonus, i.e. additional 5%, in any of the cases, i.e. for 8 municipal properties. The municipality failed to release the properties within 30 days counting from the date of receiving the notice on award of the IPIP decision. The provisions of the *Special Flood Act* stipulate the basis and regulation for the right to increase remuneration for releasing of a property.

Payments were made by transfers to designated bank accounts and, in 19 cases, by postal orders (postal order fees of PLN 4,053.24 were covered as part of the costs of implementing the LARAP). In 5 cases, compensation of PLN 31,688.00 for the removed allotment gardens was directed to a court deposit (**Appendix no. 8**). Payment into the deposit was made due to unresolved ownership issues concerning allotment gardens managed by natural persons who died.

All compensations collected in the deposit are available all the time to those who settle ownership issues and submit an appropriate application to the court (**Appendix no. 9**).

The process of land acquisition and compensation payments was completed long before the works began.

The land acquisition process, with a particular focus on the payment of compensations, was monitored from the moment the IPIP decision was incorporated into the OVFMP, until the completion of works and when the temporarily occupied properties were returned. Below, the table lists the range of indicators monitored and the values achieved.

An obligation arose on the part of the State Treasury as a result of taking over properties for the purpose of implementing the flood protection investment, to provide a replacement property, as referred to in Article 21(10)(1) and (2) of the *Special Flood Act* and in accordance with the basic principle indicated in Operational Policy OP 4.12.

In 2018, the PIO requested in a letter to the Department of Property Management of the State Treasury SWH PW to identify properties that could be transferred to the garden association for the restoration of removed allotment gardens. With the letter of 10/29/2018 (ref. KR.RUM.070.260.2018.sk), the Department informed of the absence of such properties.

Having been informed of the lack of replacement properties in the SWH PW's stock, the Consultant requested the Municipality of Tarnów to identify potential replacement properties. Without restricting itself to the letters, the Consultant contacted directly the Department of Geodesy and Real Estate of the Tarnów City Office. In conversation with the Director of the Department, the Consultant was advised that the Municipality of Tarnów does not have any properties to be acquired for the restoration of FAG "SEMAFOR". The Consultant requested in writing to confirm this information. In response, he received a letter of 07/02/2019 indicating that the Municipality of Tarnów does not have a property that meets the criteria for a replacement property. This is all the more important as the City of Tarnów, as a city with poviats rights, manages the properties constituting the stock of both, the municipality and the State Treasury.

Further effort to acquire a replacement property were made in July 2019. The Consultant wrote to the Municipality of Tarnów with a renewed request to identify a replacement property. The first response from the Municipality was negative. The Consultant reiterated the request for a replacement property and a meeting was held in the Municipality on the Consultant's initiative. The meeting took place on 07/31/2019.

During the meeting, the Parties' positions were agreed and the Deputy Mayor of the City indicated as the only potential site to restore the family allotment gardens the plot no. 33/42 and part of the plot

no. 34/1, map sheet 0314, precinct of Tarnów (the Municipality planned to build a storage yard for the Municipal Management Department on the remaining part of this property).

An illegal landfill site operated in the area in the 1980s. It appeared from the information received that the reclamation of the site had been made.

The Consultant requested that a declaration of transferring the property by the Municipality be confirmed in writing. A further meeting was held on 09/23/2019, at which the Mayor confirmed that the Municipality of Tarnów would donate the properties 33/42, 34/1, precinct 0314, the City of Tarnów and 45/1, precinct 0295, to restore the removed allotment gardens. The total area of these properties is 11.4365 hectares.

Furthermore, the Director of the Department of Geodesy and Real Estate provided the Consultant with a study of geotechnical investigations for the subsoil of the properties identified above.

This information was analysed by the Consultant and became the basis for determining the scope of works necessary to be carried out in order to adapt the replacement properties to accommodate the allotment gardens.

The Consultant formulated the relevant provisions of the bidding documents that would enable the properties to be adapted for the restoration of the FAGs. The scope of these activities was assumed to be in the fullest possible array of activities.

After confirming that replacement properties were made available by the Mayor of Tarnów, discussions were initiated with PAF, by presenting the municipality's proposal, and public consultation started with allotment garden users. Unfortunately, the feedback received under the consultation with the community affected by the planned investment, i.e. Works Contract 3D.2/1 entitled *Construction of the right embankment of the Biala River in the City of Tarnów*, was such that a proposal for such - and not different - location was negatively received by the community concerned, both the users of the plots to be liquidated and the Management Board of FAG Semafor, and thus the Regional Management Board of the Polish Allotment Federation.

An alternative option, which was worked out with those involved, was to create a database of "vacant", i.e. unused allotment gardens in FAG SEMAFOR and other FAGs located in the city of Tarnów and in its immediate proximity, and to support those interested in taking over these gardens. All allotment users affected by the project were informed of this "database" and the support provided. This activity was carried out for a period of 2 years until no more interested allotment holder appeared. About 30 PAPs took advantage of Investor's help. Generally, everyone who wanted to found a new allotment garden found it (this was confirmed by the members of the FAG SEMAFOR Board during ex-post research).

Some users did not want to continue this type of entertainment, especially people in their 80s and 90s, who were very happy that the garden was being taken away from them and they were getting compensation, because otherwise they would have given up using it due to lack of strength or poor health without any compensation.

Table 3. Summary of monitoring indicators used in the implementation of Contract 3D.2/1 implemented by SWH PW RZGW in Cracow

Indicator	Information source	Frequency of monitoring	Progress indicator	Value
Assumed parameters				
People exposed to flood	Data from model tests	Once at the investment preparation stage	Quantity	Directly about 300 people (2 residential estates, about 600 houses and outbuildings, commercial and service buildings, medical care units, offices and educational-cultural-sport centres).
Number of hectares of land at risk of flooding	Data from model tests	Once at the investment preparation stage	Quantity [ha]	15
Number of properties subject to permanent occupation (see Table 1)	IPIP decision	Once after decision is issued	Number (pcs.)	8
Number of properties subject to permanent restriction in use (see Table 1)	IPIP decision	Once after decision is issued	Number (pcs.)	4
Number of properties subject to obligatory network reconstruction (see Table 1)	IPIP decision	Once after decision is issued	Number (pcs.)	7
Number of project affected persons (PAP)	Land and mortgage registers, extracts from land registers, IPIP decision	Once after decision is issued, ongoing updates during the process of negotiating and disbursing compensations	Quantity	1 (Tarnów Municipality)+ 1 (PSR) +189* (188 PAPs +PAF)
Number of acquired properties	Consultant's registers	Monthly/Quarterly	Number (pcs.)	8

Indicator	Information source	Frequency of monitoring	Progress indicator	Value
Number of properties for which compensation should be paid	Consultant's registers	Once	Quantity	17
Achieved parameters				
Number of people protected against flood	RZGW/ Consultant's registers	One time after Contract execution	Quantity	Directly about 300 people (2 residential estates, about 600 houses and outbuildings, commercial and service buildings, medical care units, offices and educational-cultural-sport centres).
Number of hectares protected from flood	RZGW/ Consultant's registers	One time after Contract execution	Quantity [ha]	15
Amount of compensation paid for land	RZGW/ Consultant's registers	One time after Contract execution	PLN	721,901.60
Amount of compensation paid for plantings and land components	RZGW/ Consultant's registers	One time after Contract execution	PLN	3,087,640.56
Amount of all expenses for compensations (actual)	Investor's financial registers Appendix no. 4	Monthly/Quarterly	PLN	3,815,058.16
Number of acquired properties	RZGW/ Consultant's registers	Monthly/Quarterly	Number (pcs.)	8
Number of properties for which compensation was paid	Consultant's registers	Once	Quantity	17
Performance indicators				
Number of complaints	RZGW/ Consultant's registers	Monthly/Quarterly	Number (pcs.)	5
Number of complaints considered	RZGW/ Consultant's registers	Monthly/Quarterly	Number (pcs.)	5

Indicator	Information source	Frequency of monitoring	Progress indicator	Value
Disbursed compensations, miscellaneous	Financial registers of RZGW	Monthly/Quarterly	%	100 – disbursements allowing access to land; 99.17 – disbursements to PAPs
Compensations directed to court deposit	Financial registers of RZGW Appendix no. 8	Monthly/Quarterly	PLN	31,688.00**

* all PAPs and Municipality are included in the number of persons, however, if a person or persons owned more than one property/allotment garden that was subject to occupation, they were counted only once.

** 0.83% of the total amount of compensations was placed to the court deposit due to unresolved legal status, which according to Polish regulations and the RPF is equivalent to the execution of the payment obligation (in line with the Land Acquisition and Resettlement Framework: "(...) *Depositing the amount of compensation in a court trust account has the same effect as the performance of a payment obligation.* (...)"). This compensation has not actually been paid to PAPs, but it can be paid at any time and will be available to PAPs for a period of 10 years from the date the compensation is deposited with the court.

3.5.2 Summary of socio-economic studies and status of PAPs after payment of compensation

A socio-economic study was conducted by the Consultant's team in 2019. The survey study was started on 06/15/2019 during a meeting with interested representatives of the FAG SEMAFOR allotment gardens. The participants were informed about the scope of planned investment during the meeting, they were provided with questionnaires and leaflets informing about the compensation payment procedure. It was also clarified for what purpose the survey studies would be conducted. Respondents sent their completed questionnaires directly to the address of the Consultant's office in Cracow (27 questionnaires) or submitted them in person at the FAG SEMAFOR Management Board's office located on the garden site (141 questionnaires). The next stage of socio-economic studies were site visits, both in the area of allotment gardens, as well as directly to the users' places of residence.

In single cases interviews with respondents were made by phone, using contact data provided by a representative of FAG SEMAFOR Management Board, if the interviewers were not able to meet the respondent in any of the above locations.

Standardised questionnaire interviews constituted the data gathering method. Answers to all questions were recorded.

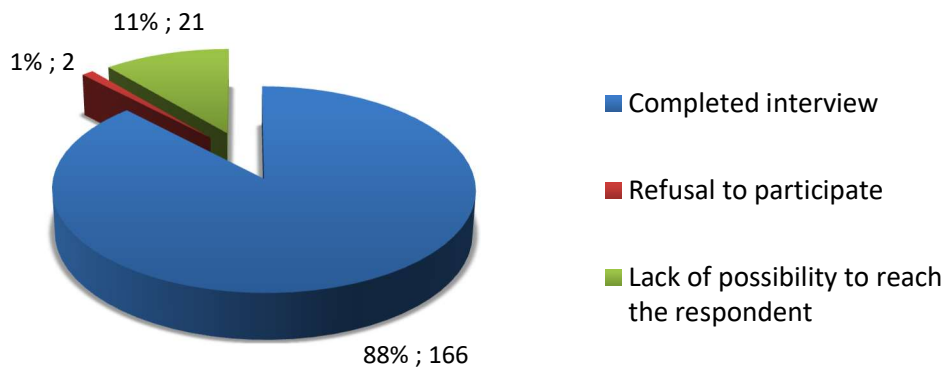
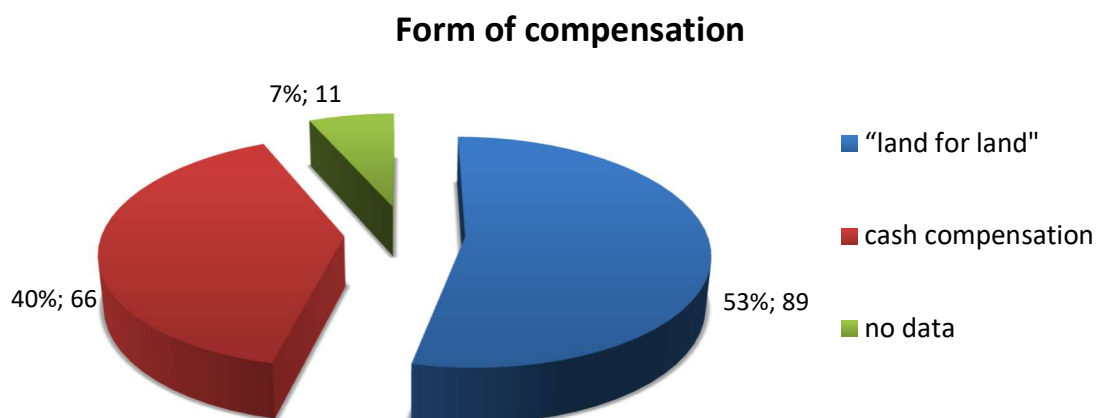


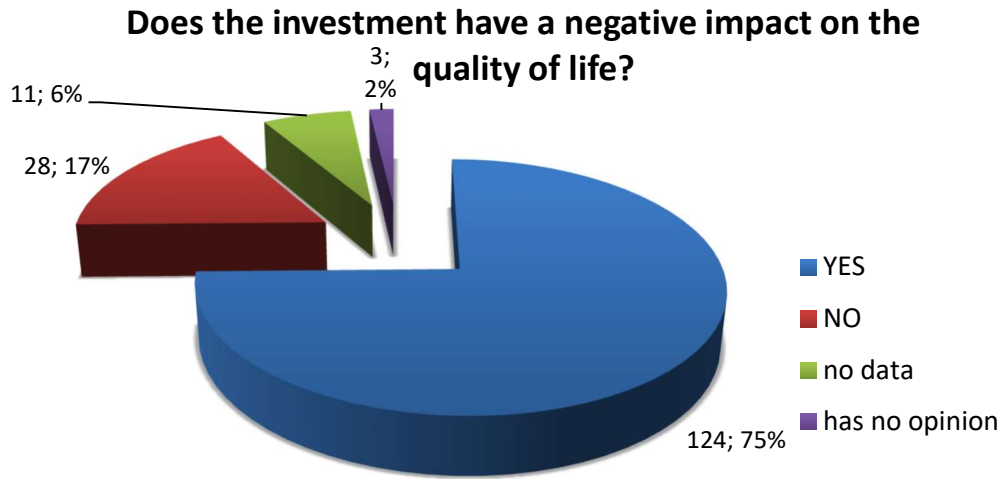
Fig.4. Summary of results of questionnaire studies.

The majority of respondents expressed dissatisfaction with questions related to the level of earnings and the presence of disabled or chronically ill people in the family. The Consultant explained that such a detailed questionnaire was a result of the World Bank's co-financing of the Contract implementation and the related need to apply the Bank's policies, and informed of the voluntary nature of filling the questionnaire out. They were also informed of the need to provide up-to-date contact details (address and/or telephone number/e-mail address) to enable them to be contacted. An information brochure was made available to all interested parties, providing basic information and describing the procedure for payment of compensation to allotment holders.

In parallel with the information activities, activities were taken to acquire replacement properties on which allotment gardens could be recreated for users interested in receiving replacement gardens. This was because, among the surveys made, as many as 89 respondents indicated a desire to receive replacement allotment gardens (presented in the chart as a "land for land" category).



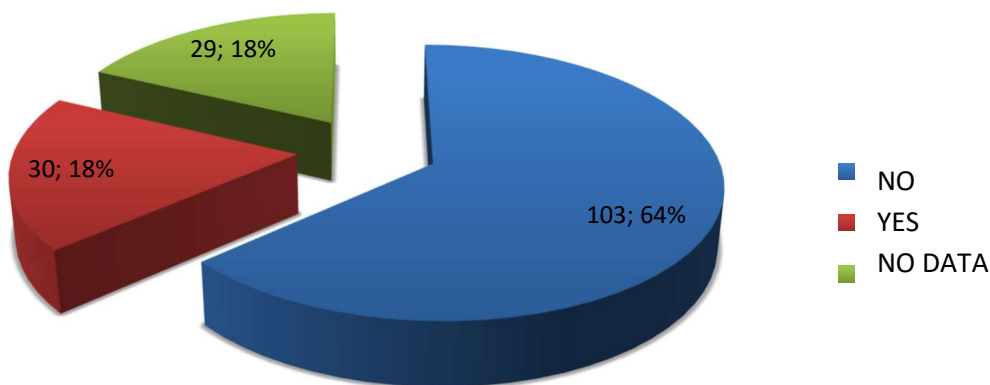
The studies conducted also showed that the vast majority of the users affected by investment implementation evaluate negatively the impact of the project on the quality of life (75%), only 17% of respondents stated that the investment did not have a negative impact on their quality of life, the remaining 8% did not answer this question or informed that they do not have an opinion.



This is mainly due to the loss of leisure and recreation sites, access to their own organic fruit and vegetables and the users’ attachment to the plots of land they have cultivated over the years and used for many years.

The answer to the next question showed that allotment gardens are not considered by the majority of PAPs as a source of additional household income. 103 respondents (64%) denied that crops grown in the gardens have an impact on household income generation. As they pointed out, the financial outlays (at current prices for seedlings, pesticides, the need to water – and they pay for the water) incurred to grow a crop is, in their view, no more economically viable than buying fruit and vegetables in a store. The added value, however, is that they treat the fruit and vegetables they grow as organic crops.

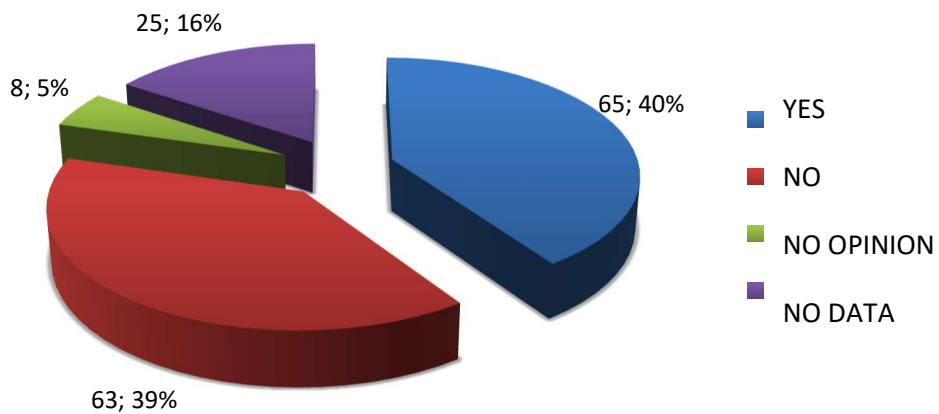
Does the removed allotment garden constitute a source of household income?



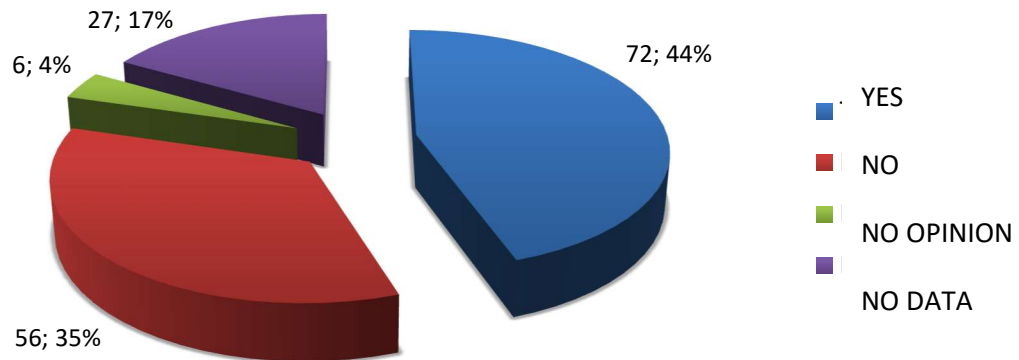
29 respondents did not answer this question. For 30 users (18%), an answer was received stating that the plots are a source of household income (but of minor importance), as a source of their own fruit and vegetables.

Due to the fact that the investment affects the daily functioning of households (in the spring and summer period, allotment gardeners spend a lot of time in the gardens, resting and taking care of them) and most of them live closer to the city centre in an area not at risk of flooding so their homes are safe, perceptions regarding the legitimacy of the investment were disturbed. When asked about issues relating to the provision of flood protection, a significant proportion of respondents said they were against such investments. They see the construction of this section of the embankment as unnecessary, especially given that the protection will not be comprehensive, as the embankments on the other bank of the Biała River are still missing. In addition, the point was also raised that they have been hearing about the construction of this embankment for 10 years and nothing has happened in that time.

Are you satisfied with the fact that flood protection is provided by the execution of Contract 3D.2/1?



Do you support the flood protection investment which is the implementation of the "Odra-Vistula Flood Management Project" ?



Among the households of users of FAG SEMAFOR allotment gardens covered by the expropriation procedure, no such were identified requiring physical and economic resettlement in connection with the conducted investment and which would be significantly affected by the investment. No vulnerable people were identified who were permanent residents of buildings located in the area of the gardens.

SUMMARY

In any case, the allotment garden did not form the basis of the household's livelihood. The allotment gardens in use (and it should be stressed that more than 100 allotment gardens were not used by anyone) were used for recreation, leisure and to grow their own organic fruit and vegetables, but not in quantities that would meet their own needs.

The users of the gardens are mainly elderly people who had already acquired their pension rights, some of them were already nibbling at the idea of ending their use of the garden due to lack of strength or mobility limitations and were very happy to be compensated, rather than discontinuing their use of the garden without any financial benefit, as is a standard practice.

There were built-up properties located in the adjacency of the investment area, which to a certain degree experienced the nuisance of construction works, noise, and other related factors, but currently they are the biggest beneficiaries of improving flood safety. At the investment stage, by applying the mitigation and minimisation measures for negative impacts (as described in the EMP for Contract 3D.2/1 *Construction of the right embankment of the Biala River in the City of Tarnów*), the Investment implementation did not cause disturbances in the daily functioning of these households.

Results of survey studies after the completion of Contract 3D.2/1

Survey studies were conducted among the PAPs covered by the Investment after completion of Contract 3D.2/1 (in June 2024).

A sample questionnaire addressed to the PAPs is included in **Appendix no. 7**.

The studies were conducted through face-to-face questionnaire interviews, which ensured that the PAPs' views were obtained more effectively than studies conducted by correspondence. The direct contact between the researcher and the respondent also allowed, in many cases, to assist the PAPs to complete the questionnaire by providing explanations on the wording used or on such a seemingly trivial issue as reading the questions and noting down the answers - especially with regard to elderly citizens. Eighty representatives of the removed allotment gardens and a representative of the Tarnów City Office (Director of the department related to real estate issues, who was also involved in acquisition of properties for restoration of allotment gardens) took part in the survey. 2 members of the Management Board of FAG SEMAFOR were also interviewed.

The set of completed questionnaires obtained was archived by the PIO. This can be made available for review by those interested, as the questionnaires were completed anonymously.

SUMMARY OF THE ANSWERS FROM USERS OF THE REMOVED ALLOTMENT GARDENS

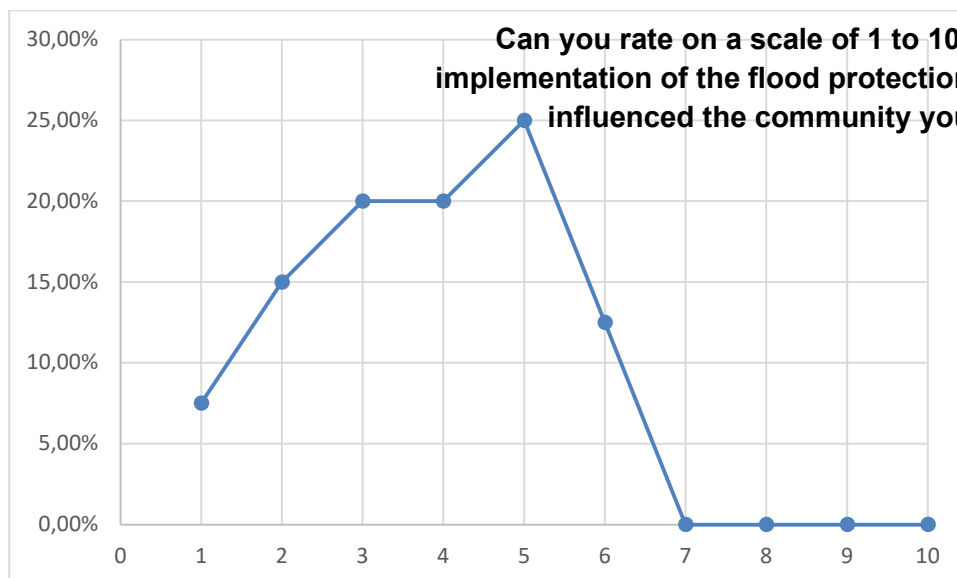
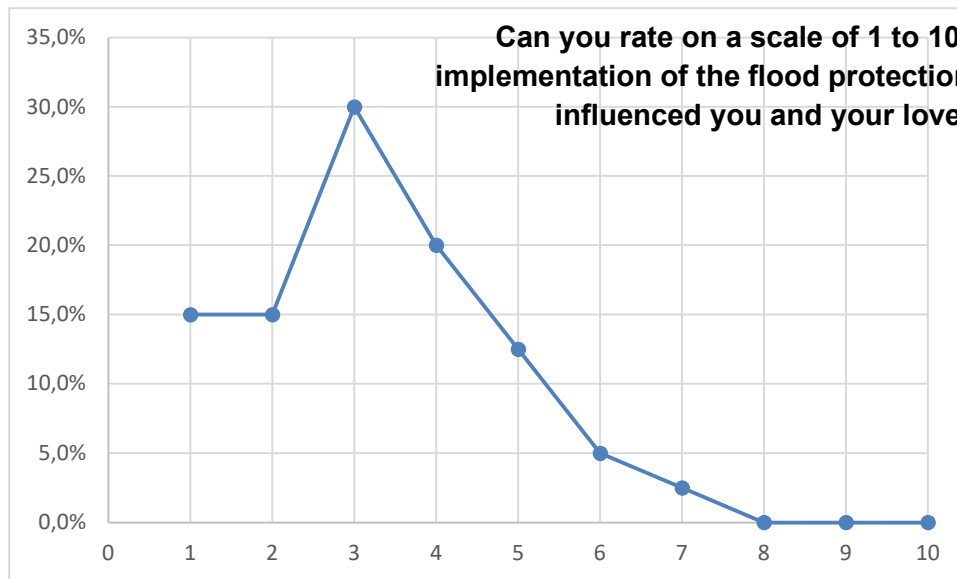
47.5% of the respondents noted that the pursued investment had a positive/strongly positive impact on PAPs and their relatives. 52.5 % answered that they had experienced neither a positive nor a negative impact.

When it came to the answer about the impact on the community in which the PAP resides, 12.5% answered that the impact was *definitely positive*, 40% *positive*, and 47.5% that it was *neither positive nor negative*.

There was no response in which any PAP would state that the investment had affected him or her and his or her relatives negatively, or had negatively impacted the community in which they live.

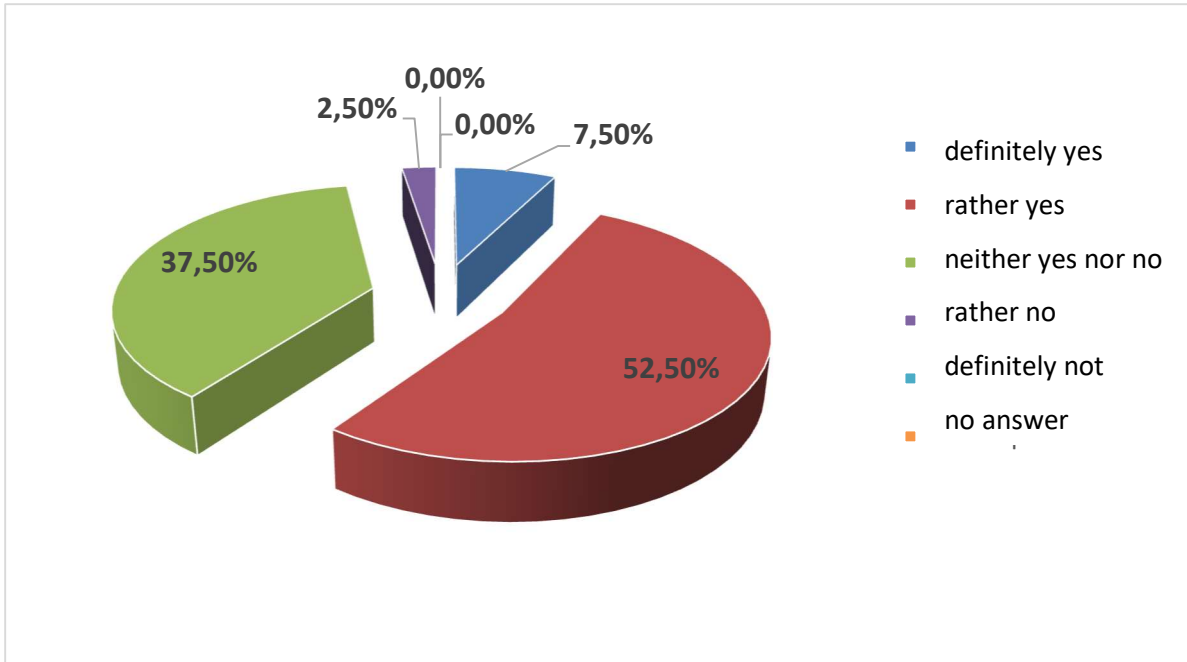
50% of the respondents pointed that they had no concerns about the investment implementation, 10% remarked that they had such concerns, while during implementation their concerns were not confirmed and now that the compensation disbursement process has ended and flood embankment has been constructed, they view the investment definitely positively. 40% of allotment garden users indicated the answer *difficult to say*.

The respondents also rated - on a scale of 1 to 10 - the impact of the investment on the PAPs and their loved ones, and the impact of the investment on the community in which the PAP resides. A score of 1 indicates a strongly positive impact, 5 – neutral, 10 – strongly negative.



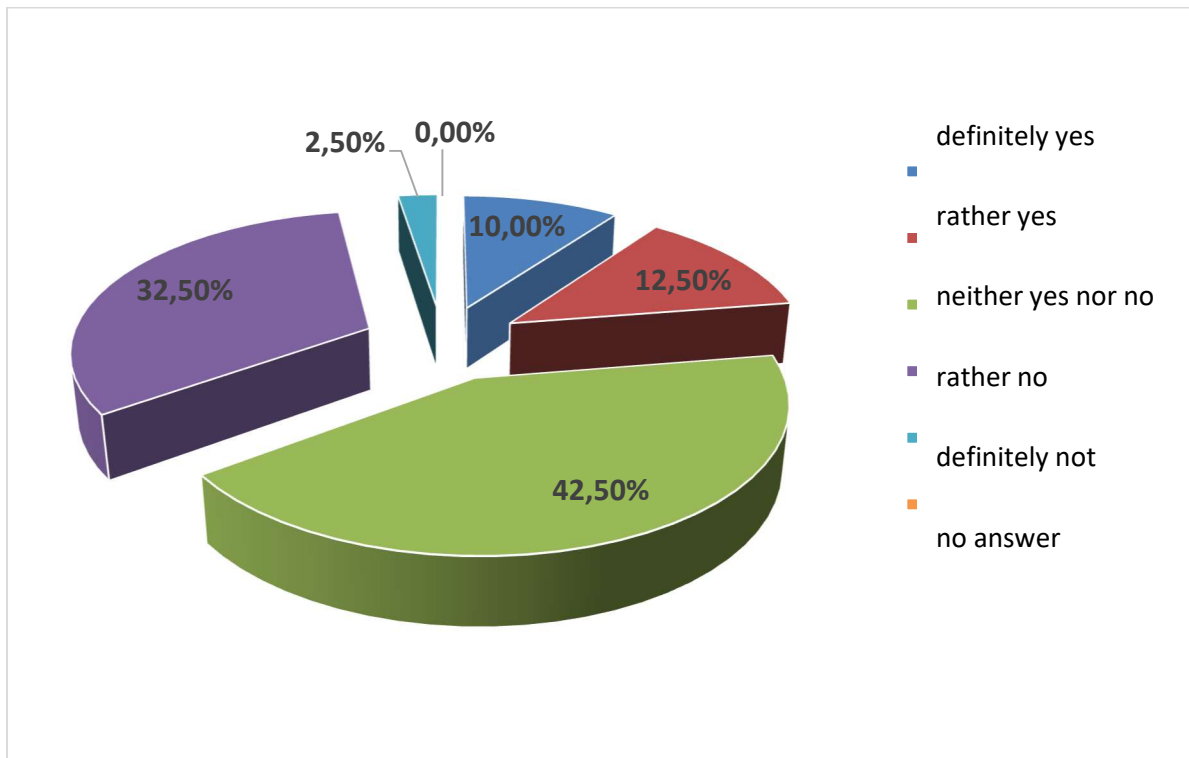
The investment's perceptions after its completion are overwhelmingly positive, with 92.5% and 87.5% of the responses - to the question on the impact on the PAPs and their families and on the community in which the PAPs reside - ranging from 1 to 5, respectively. This highlights a significant improvement in perceptions of Contract 3D.2/1 since the socio-economic study conducted prior to its implementation and now after its completion. A large proportion of allotment garden users have taken over unused allotment gardens and continue to use and recreate in the SEMAFOR FAG.

Answer to question 7: **“As a result of the implementation of the flood protection investment, has your household's socio-economic situation been maintained at pre-project levels?”** is illustrated in the diagram below.



60% of respondents indicated that they maintained their socio-economic situation from prior to the Project, while 37.5% answered that *neither yes nor no* (explaining that the allotment garden is a kind of hobby and not a source of income or an element influencing the family's financial situation). 2.5% of persons answered *rather no*, and when asked to comment on their answer, these people generally pointed to difficult times ("high prices", inflation, war in Ukraine, concerns about political situation in Poland).

Answer to question 8: "Has the construction of the flood protection investment affected the livelihoods of your household?" is illustrated in the diagram below.



42.5% of the surveyed PAPs answered *neither yes nor no*, 32.5% answered *rather no*, 2.5% of the surveyed PAPs answered *definitely no*, to the question of the impact of the investment implementation on livelihoods, while individual cases were answered *definitely yes* – 10% and *rather yes* – 12,5% (PAPs are influenced by the benefits of growing fruit and vegetables for their own use – as the respondents indicated they already had fully fruited fruit trees in the removed gardens, while at present they are still young plantings which do not bear as much fruit – it should be said that this will change in time as the trees will grow in a while and will bear fruit for many more years). At the same time, in response to a further question 9 linked to this topic conc. the **impact of the investment on the improvement of their living conditions and/or livelihoods** – 12.5% answered *definitely yes*, 12.5% *rather yes*, 60% *neither yes nor no*, 15% *rather no*. There was not a person who indicated that the investment had *definitely not* improved their living conditions.

To question 10: **“Was the compensation you received sufficient to compensate/restore the impact/assets lost caused by the flood protection investment?”**, the respondents answered: 12.5% - *definitely yes*, 27.5% *rather yes*, 60% *neither yes nor no*, 7.5% *rather not*. There was no person asserting that the compensation was *clearly insufficient* to compensate for the lost assets.

In general, the surveyed persons confirmed that they had received compensation in a timely manner and in line with the rules indicated in the Land Acquisition and Resettlement Action Plan (7.5% - *definitely yes*, 60% - *rather yes nor no*, 32.5% - *neither yes nor no*). There was an equally positive response to the question of whether the expropriation took place with adherence to Polish law and World Bank policies (70% - *rather yes*, 30% - *neither yes nor no*).

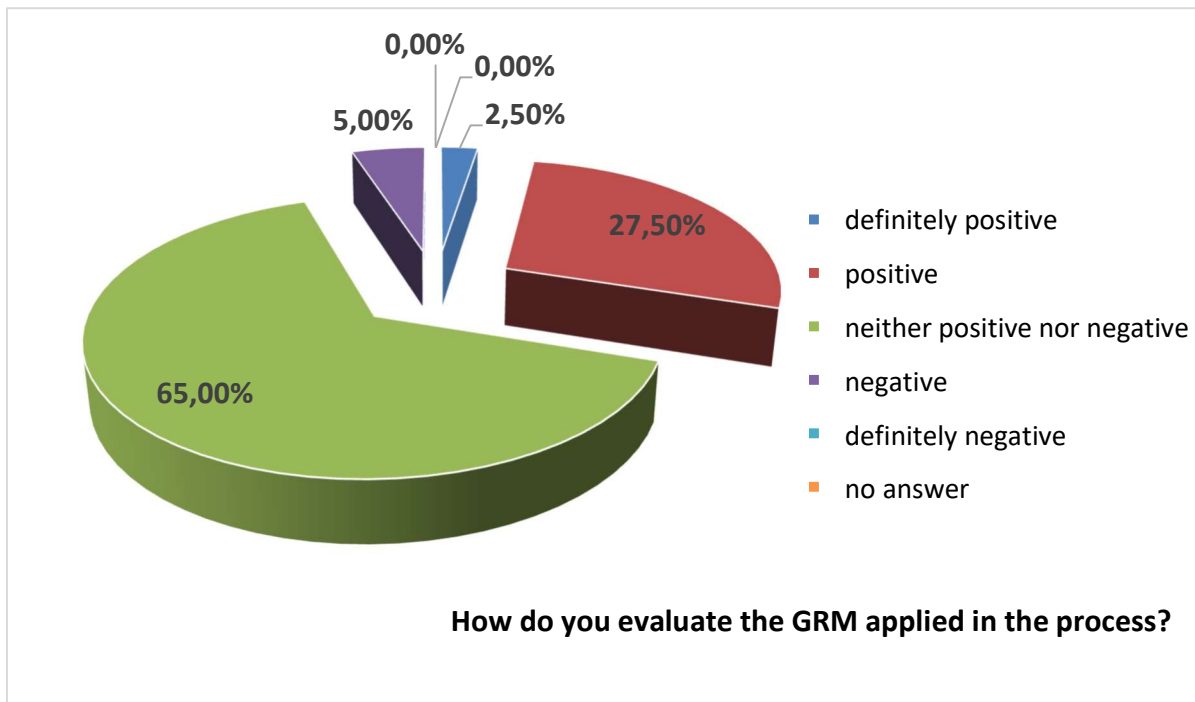
To question no. 14: **“Was the expropriation deadline indicated in the LARAP clear and was the process conducted as announced and expected?”** – the following answers were given: 5% - *definitely yes*, 45% - *rather yes*, 47.5% - *neither yes nor no*. In single cases, the answer was *no* - 2.5%.

To question 15: **“Did you receive clear information on the time of impact and/or occupation of the property and did the planned time of impact/occupation differ from the actual time?”** The respondents answered: 10% *yes*, 45% *no*, 45% *difficult to answer*. People answering this question indicated that the perception of the investment was very negatively affected by the fact that the construction of the embankment had been talked about since 2015 and for a long time nothing was happening, they did not know whether the investment would be implemented at all, whether to finish the use or to invest in new plantings, gazebos, landscaping with small architecture.

For question 16 linked to question 15: **“Has the difference in impact time had an impact on your household?”**, only a small group of respondents answered: 5% - *had no impact*, 5% - *difficult to say*.

To question 17: **“Was the information about the impacts caused and the planned compensation/mitigation measures you received as part of the process sufficient for you”**, the respondents answered: *rather yes* – 25%, *neither yes nor no* – 72.5%, *rather no* – 2.5%.

The mechanism for reporting and handling complaints was positively assessed, the answers are presented in the chart below.



In general, the respondents did not have an opinion on the method of stakeholder engagement used as part of the process, including those affected by the flood protection investment (25% indicated a *strongly positive* response, 72.5% a *positive* response, 2.5% a *negative* response).

In response to question 20 concerning difficulties in receiving the compensation, 87.5% of the respondents answered that there *were no difficulties* in this regard. 12.5% of the respondents stated that the main difficulties in the payment of compensation were that the amounts were too low and the waiting time was long (with the point being made here that this is due to the fact that the IPIP decision was issued in 2017, but the valuation and disbursement process itself took place in 2019 and the compensation - after signing a protocol of agreement - was paid immediately, within 60 days at the most – so the time lapse from issuing the decision to the start of arrangements and disbursements is in question here, although, after all, allotment garden users were still using their gardens during this time).

Definitely positive answers were received from the person representing the local authority (Director of the Tarnów City Office). This person maintained that project implementation has had a positive impact on the entire community. The person was also particularly positive about the actions of the Investor's representatives in seeking a replacement property, which, however, was not accepted by the Polish Allotment Federation.

In turn, in interviews with representatives of the FAG SEMAFOR Management Board, positive statements about the investor representatives' conduct of the process of agreeing upon and paying compensation prevailed. A consultation point was set up in the garden area, allowing allotment holders free access to information. Arrangements for compensation payments were also conducted there. Individual persons were then given an appointment at a convenient time and on the spot, they were able to view the appraisal report and receive information from the lawyer present, who clarified any aspects of concern to them.

Under Contract 3D.2/1, compensation was paid for land and for constituent components, including plantings and building elements belonging to allotment holders. In the absence of economic and physical resettlement, there was no need to pay additional amounts of compensation for resettlements or the loss of sources of income for PAPs.

Details of compensation payment are presented in **Appendix no. 4** of the Final Report.

Table 4. Summary of LARAP implementation costs.

Item	Quantity	Amount
Total amount of compensation for permanent occupation, including plantings and infrastructure elements, including:	-	PLN 3,815,058.16
- compensation for permanent occupation paid to the Municipality	8 properties	PLN 721,901.60
- compensation for plantings and building structures paid to allotment garden users and PAF	274 allotment gardens and common parts	PLN 3,055,952.56
- compensations paid to court deposit	5 allotment gardens	PLN 31,688.00
- compensation for permanent restriction in property use (paid)	3 properties	PLN 5,487.00
- compensation connected with the obligation to reconstruct the network (paid)	6 properties	PLN 29.00
Purchase of "remnants" (conc. properties)	0	-
Court costs*	0	-
Other implementation costs of LARAP**	19	PLN 4,053.24
TOTAL	-	PLN 3,819,111.40

* fees for applications submitted, notices in the press and curator's fees

** cost of postage

The source of funding for the costs indicated above were the World Bank loan (IBRD, CEB, accompanying measures) and others.

Compensation was paid by SWH PW RZGW by transfer from the account to the PAP's indicated bank account, by postal order to the PAP's home address or by transfer to the deposit account.

As per the WB's Operational Policy OP 4.12, compensations were made prior to the commencement of construction works, in all cases where payments could be made to existing owners. In the absence of a person entitled to be paid the compensation (deceased owners, owners not found or no

documents clearly showing who the owner is) the amounts due were deposited with the court. These funds are available and will be disbursed to eligible persons without delay.

The measures required under the LARAP have been implemented (it was shown in the document that in the event of an unresolved legal status, compensations will be paid into a court deposit and no further steps are planned - details of the new actions are given in chapter 3.5.3). There were no deviations in the implementation of the LARAP.

3.5.3 Issues remaining after implementation of the LARAP and after preparing the Final Report on LARAP implementation

In line with the *Land Acquisition and Resettlement Framework*, payment of compensation to the court deposit according to an administrative decision of the Province Governor is equivalent to fulfilling the obligation. However, in order to facilitate the collection of funds (compensation) from the court deposit by the entitled persons, additional measures to minimise / support PAPs were introduced during the development of the Final Report on the implementation of the LARAP.

It is the responsibility of the court to inform potential beneficiaries of the deposit submitted according to the provisions of Polish law.

If the person entitled to receive the deposit is unknown or his or her place of residence is unknown, the court orders to post a notice on the permission for placing the subject of the performance in the court deposit at the court's website and the notice board in the court building, as well as on the notice boards and websites of the municipal and poviát offices of the last place of residence of such person, if known. If the value of the subject of the performance deposited with the court exceeds five thousand zlotys, the court also orders that an announcement be placed in the press.

In addition, if the person entitled to receive the deposit is unknown or his or her place of residence is unknown, the court shall appoint a curator. A trial curator is appointed to undertake procedural actions for a designated civil case within the limits of the powers granted to him or her. The role of the curator is to safeguard the procedural interests of a party who cannot take care of this himself or herself.

3.5.3.1 PIU's strategy for court deposits

Compensations were deposited with the court in 5 cases (this issue is described in detail in chapter 3.5.1). In order to publicise the information on the deposits and to assist the entitled persons in taking up the compensation paid from the deposit, the PIU has taken the following actions:

1. A detailed list of all cases was prepared with a description of their legal situation and the reasons known to the PIU as a result of which compensation was directed to the deposit (**Appendix no. 8**).

2. Full information was obtained from the Province Governor conc. the administrative proceedings he or she has carried out which have resulted in compensation being directed into the deposit. This allowed to complete the PIU's knowledge of the legal situation of the given allotment garden.

3. The following procedure was applied:

(i) a list of allotment gardens was prepared for which no owner information is available and the PAF and FAG Semafor Management Board responsible for the assessment of taxes for use of gardens was contacted; the background to the case was presented and it was agreed that they would inform any person who makes contact about a court deposit placed, with the contact being forwarded to the PIU (to the person able to provide full information about the deposit and assist the PAP in taking the funds from the deposit).

3.5. 4 Permanent restriction to the manner of property use (PR)

Four properties were subject to a permanent restriction to the manner of property use as per the provisions of the IPIP decision: three State Treasury properties, including 2 properties in perpetual usufruct of PKP S.A. and one belonging to the Municipality of Wieliczka.

Compensation to the State Treasury is not paid under the OVFM Project. In the case of the Municipality of Wieliczka, compensation was paid in connection with the construction of an entrance to the embankment and an entrance to the embankment road and their connection to the existing public road (municipal road, Kassali Street) - area of PR of 0.0086 ha. For the perpetual usufructuary of 2 State Treasury plots, compensation was paid in connection with the embankment's connection to the railway embankment – area of PR of 0.0500 ha.

All compensations related to the PR have been disbursed.

The measures required under the LARAP for permanent restriction in use have been implemented.

3.5.5 Obligation to reconstruct the network (ORN)

An obligation to reconstruct the **existing network of land utilities** was stipulated in the IPIP decision for 7 properties; the obligation consisted of the **temporary** restriction in the use of the property. As per the principle adopted in the LARAP, as a rule, an obligation to reconstruct the network is compensated in cash. The amount of such compensation is established based on appraisal reports prepared by an independent expert acting at the Investor's expense. Such compensation is paid on the basis of a written agreement between the Investor and the PAP. If there is no consensus between the parties as to the compensation amount, the PAP will be entitled to an appeal mechanism.

Under Contract 3D.2/1, the following was subject to reconstruction:

- the existing overhead power network running through 5 properties: 1 municipal property, 1 State Treasury property without usufruct, 2 State Treasury properties with perpetual usufruct by PKP and 1 property co-owned by a natural person and the State Treasury;

- the existing medium pressure gas network running through 1 property jointly owned by a natural person and the State Treasury;
- the existing water supply system running through 2 municipal properties.

Similar as in the case of PR (see chapter 3.5.4), compensation was paid for 5 plots under a protocol agreeing the amount of compensation for ORN (municipal and State Treasury plots in perpetual usufruct of PKP S.A.) on in one case after the Province Governor's decision relating to one property jointly owned by a natural person and the State Treasury (details in **Appendix no. 4**).

3.5.6 Right to use a property for construction purposes (PDDG)

For 8 properties, construction works were performed by the Investor on the basis of the right to use a property for construction purposes (there were 7 properties belonging to the stock of the Municipality of Tarnów, 1 State Treasury property, the representative of the stock is SWH PW).

In the case of the above-mentioned properties on which works were executed based on the right to use a property for construction purposes, the Investor submitted declarations to the Province Governor on the right to performs construction works on these plots. Properties (other than that of the State Treasury) are used for construction purposes based on obtaining the voluntary written consents of the owners and holders to occupy the property free of charge and to perform the planned construction works; such a consent was obtained by the Municipality of Tarnów.

3.5.7 Contractor's temporary occupation

The Contractor did not acquire any properties for temporary occupation. Construction site facilities with a storage yard were organised at the State Treasury's property covered by the right to use a property for construction purposes.

3.5.8 Purchase of "remnants"

Under the information campaign held as described in line with the LARAP, people affected by the consequences of Project implementation were informed about the possibility of applying for the purchase of the remaining part of the property (so-called "remnants"), if after the division of the property and occupying part of it for the investment, the remaining part will not be suitable for further use for the existing purposes (as per Article 23(2) of the Special Flood Act). A similar principle, for payment of compensation for plantings and building structures that remained on the unliquidated part, was applied to the allotment gardens that were subject to removal.

Under Contract 3D.2/1, there were no requests to buy in respect of the 8 properties subject to permanent occupation, while 7 requests were submitted by allotment garden users for compensation for the so-called allotment garden "remnant". All the requests were considered positively, appraisal

reports were developed and the agreed compensation was disbursed (this concerned parts of allotment gardens with numbers 469, 517, 542, 576, 697, 731, 736).

The requests submitted were evaluated based on a special procedure described in chapter 8.2.4 of the LARAP.

The measures required under the LARAP for the purchase of “remnants” have been implemented. There were no deviations in the implementation of the LARAP.

4. FUNCTIONING OF THE GRIEVANCE REDRESS MECHANISM (GRM)

A principle was assumed in this LARAP that the PIO will take all measures to amicably resolve complaints concerning the Contract (including those submitted during the execution of works). The grievance redress mechanism is diverse in order to integrate it into the administrative procedures of the various stages of Contract preparation.

4.1 GENERAL GRIEVANCE REDRESS MECHANISM

The mechanism for submitting complaints and applications pertaining to any matters connected with the implementation of Contract 3D.2/1 was implemented at the beginning of the whole process and was binding throughout the entire period of implementation, functioning and closure of the Contract.

Any interested party was entitled to lodge a complaint or application at one of three locations:

1. Directly in the Project's main office, which operated as a consultation point:
AECOM Polska Sp. z o.o., Odra-Vistula Flood Management Project Office, 1. Pokoju Alley, K1 Building, Cracow 31-548,
Ms Marta Rak, tel. +48 601 824 298 (Senior Support Expert for Properties and Technical Assistance for the Client, AECOM Polska Sp. z o.o.),
Mr Tomasz Jankowski, tel. +48 505 028 137 (Property Specialist, AECOM Polska Sp. z o.o.).
2. Directly at the Employer's office:
SWH PW RZGW in Cracow
22. Marsz. Józefa Piłsudskiego St.
31-109 Cracow
+48 (12) 62-84-209 (Ms Aleksandra Macek SWH PW RZGW in Cracow, Senior Specialist, Mr Rafał Sionko SWH PW RZGW in Cracow, Specialist).
3. Directly at the construction site office (the address of this office was given on the Investor's website within month before the start of works).

Additionally, complaints and applications could be submitted:

- Via conventional post to the above address or

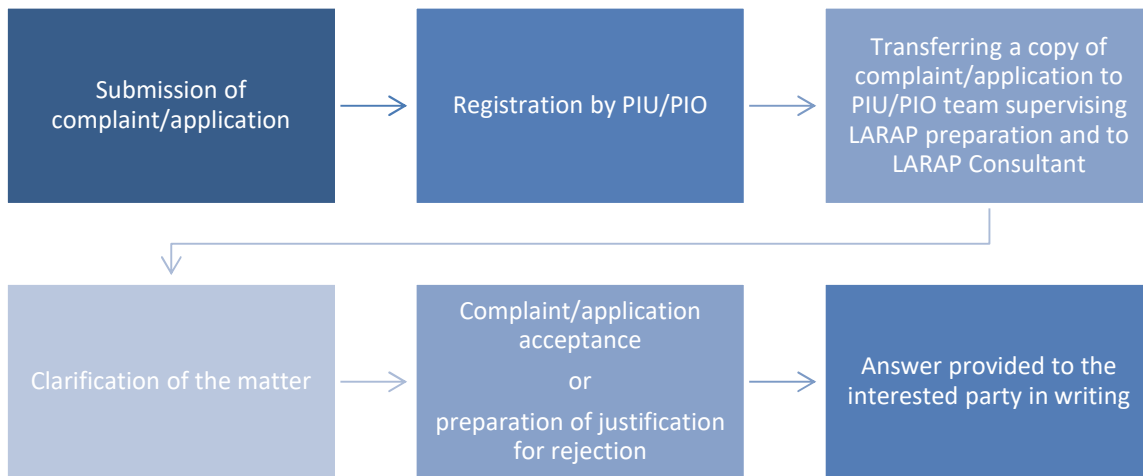
- Via the Internet:

website <http://www.wody.gov.pl>;

e-mail: jrp.krakow@wody.gov.pl

A diagram of the general grievance redress mechanism is shown below:

Fig. 6 Diagram of general grievance redress mechanism



The grievance redress mechanism was detailed in the LARAP and its objectives have been met. There were no deviations or gaps in GRM implementation for the entire preparation and implementation period of Contract 3D.2/1.

4.2 SUMMARY OF COMPLAINTS AND APPLICATIONS

The complaints filed and how they were dealt with is described in the table below.

List of complaints

No.	Date of complaint	Entity submitting the complaint	Subject/issue of the complaint	Method of resolving
1	06/15/2019	Users of the "Semafor" Family Allotment Gardens	Dissatisfaction with the removal of allotment gardens in connection with investment implementation in the area	1. In April and May 2019, meetings were held with the management board of Semafor Family Allotment Gardens, the Client and the Consultant at which issues relating to the planned investment were addressed. 2. On June 15, 2019, a meeting was held at the site of the removed allotment gardens with representatives of FAG Semafor and allotment holders, at which the basis for the State Treasury's takeover of part of FAG SEMAFOR's land

No.	Date of complaint	Entity submitting the complaint	Subject/issue of the complaint	Method of resolving
				<p>comprising their allotment gardens was explained and information was provided on the compensation to which allotment holders are entitled, and materials with contact numbers for the Consultant and the Investor were distributed.</p> <p>3. The Consultant ran an information point for PAPs who wished to obtain direct or telephone information about the planned investment and compensation issues.</p> <p>4. On July 31, 2019, a meeting was held between the Director of SWH PW - RZGW in Cracow and the Deputy Mayor of the City of Tarnów regarding possible replacement land for allotment holders.</p> <p>5. In September 2019, inventories of plantings and building structures on allotment gardens were taken. These inventories were taken by a team of independent property valuers in the presence of users of allotment gardens.</p> <p>6. In November and December, the Consultant's team signed protocols agreeing the amount of compensation and settlements with users of allotment gardens.</p> <p>7. Public consultation on the draft LARAP took place in Tarnów on February 6, 2020. The open meeting was attended by 20 people. The scope of the Project was discussed at the meeting, the Consultant answered questions from PAPs. In addition, written explanations to the comments and objections raised were prepared and provided to PAPs.</p>
2	12/17/2019	PAP1	Complaint regarding lack of information on the planned implementation of the Investment, violation of the public interest, lengthy	Information was drafted on ways of informing parties during administrative proceedings held by bodies issuing the decisions: decision on environmental conditions, water law permit, IPIP in relation to the complaint on the lack of information

No.	Date of complaint	Entity submitting the complaint	Subject/issue of the complaint	Method of resolving
			handling of cases and mismanagement	<p>about the planned investment; 2. In addition, information was provided on the change of the Investor and on outreach activities that the new Investor has conducted/is conducting; 3. Information on the payment process of compensation payment within the embanked area and the planned submission of an application to the Province Governor of Małopolskie to determine the amount of compensation for allotment gardens located under the embankment in the separating lines; 4. Information about a replacement property; 5. Invitation to PAP1 to consultation for the Draft LARAP for Contract 3D.2/1 and offering them an individual meeting with representatives of the Investor and the Consultant; 6. Preparation of clarifications for the President of SWH PW on the PAP1's complaint (PAP1's correspondence sent by the President of SWH PW); 7. Clarifications were prepared for the Province Governor of Małopolskie on the PAP1's complaint (PAP1's correspondence sent by the Province Governor of Małopolskie).</p> <p>A response to the complaint was sent in a letter of 01/31/2020. In addition, the Consultant offered the complainant (letter of 01/17/2020) an individual meeting and invitation to public consultation (02/06/2020) for the draft LARAP for Contract 3D.2 /1.</p>
3	07/14/2020 (to Małopolskie Provincial Office)	PAP2 and PAP3	Appeal against the decision of the Province Governor of Małopolskie, ref.: WS-II.7570.2.44.2020.MW of July 2, 2020 concerning the amount of compensation	The users of allotment garden no. 732 lodged an appeal to the Minister of Development, Labour and Technology against the amount of compensation determined by the Province Governor of Małopolskie. The users of garden 732 filed an application to SWH PW RZGW in Cracow for payment of the undisputed amount, which was disbursed by SWH PW.

No.	Date of complaint	Entity submitting the complaint	Subject/issue of the complaint	Method of resolving
				<p>The Minister upheld the Governor's decision. PAP2 and PAP3 appealed against the Minister's decision to the Provincial Administrative Court. Proceeding at the PAC have ended (the PAC dismissed the complaint).</p>
4	<p>07/14/2020 (to Małopolskie Provincial Office)</p>	PAP4	<p>Appeal against the decision of the Province Governor of Małopolskie, ref.: WS-II.7570.2.16.2020.MW of July 2, 2020 concerning the amount of compensation</p>	<p>PAP4 alleged in its appeal that the amount of compensation was improperly divided between the Garden Users (a married couple after a divorce). At the request of PAP 4, the undisputed amount was paid in October 2020. On June 3, 2022, the Minister of Development and Technology issued a decision, ref. DLI-VI.7618.23.2020.MT, revoking the decision of the Province Governor of Małopolskie of July 2, 2020, ref. WS-II.7570.2.16.2020.MW. On 10/21/2022, the Province Governor issued a decision to determine the amount of compensation for PAP4 (the remainder of the compensation was paid). No further appeals.</p>
5	<p>07/27/2020 (to Małopolskie Provincial Office)</p>	PAP5	<p>Appeal against the decision of the Province Governor of Małopolskie, ref.: WS-II.7570.2.29.2020.MW of July 10, 2020 concerning the amount of compensation</p>	<p>On July 27, 2020, the Provincial Office received an appeal by PAP5 against the decision on compensation for allotment garden no. 487. The Provincial Office referred the appeal to the Minister. A letter was sent to the User of Garden no. 487 on 09/03/2020 concerning the possibility of paying the undisputed amount of compensation and a proposal to execute replacement plantings. It was finally agreed in December 2020 with the works Contractor that the works could be executed without cutting down the fir tree (the issue of preserving this tree was also raised by PAP 5 in its complaint). The works executed should not adversely affect the health of the tree. Accordingly, the</p>

No.	Date of complaint	Entity submitting the complaint	Subject/issue of the complaint	Method of resolving
				<p>Consultant prepared a letter to the PAPs confirming the final information that the tree will remain and informing them of the possibility of withdrawing the appeal (an appropriate letter was prepared for the PAPs allowing to submit the withdrawal of the appeal to the Minister/Province Governor). The Consultant contacted the PAP regarding the appeal; however, the PAP did not express a desire to lodge a withdrawal of the appeal to the Minister.</p> <p>The Consultant was in contact with a representative of the Ministry on 02/08/2021 for the appeal in question, and as a result of the discussions, it was agreed that the Minister would discontinue the appeal proceeding after sending clarifications from the Consultant.</p> <p>On 03/15/2021, MRPiT issued a decision (ref. DLI-VI.7618.25.2020.HB) revoking in the entirety the contested decision of the Province Governor of Małopolskie of July 10, 2020, ref. WS-II.7570.2.29.2020.MW, and establishing a new amount of compensation in favour of the PAP. SWH PW has disbursed the compensation.</p>

List of requests

No requests were submitted while implementing Contract 3D.2/1.

4.3 CONCLUSIONS – SUMMARY OF GRM’S EFFECTIVENESS

It should be highlighted that the planned grievance redress mechanism was implemented and operated for the entire period of Contract performance. The actions required under the LARAP have been implemented.

5. MONITORING of LARAP IMPLEMENTATION

5.1 DESCRIPTION OF METHODOLOGY

The monitoring and evaluation of LARAP implementation is described in chapter 14 of the LARAP. In line with the assumptions made, monitoring was conducted for the entire implementation period of Contract 3D.2/1, and the methodology was based on a standardised approach to properties acquisition to address emerging issues. Tools were used for monitoring the implementation of the Contract for the purpose of LARAP implementation monitoring, i.e.:

- roadmap updated on a monthly basis;
- monthly and quarterly reports from the Works Contractors and the Engineer – Consultant;
- Consultant’s action plan and schedules;
- Special and ad hoc reports;
- Project meetings;
- Procedures, records and continuous reporting on acquisition of properties and payments of compensations.

It was crucial for the monitoring of LARAP implementation that the Consultant and the PIU registered events and facts, in particular via a correspondence register, a register of progress in obtaining titles to use properties for construction purposes and a compensation payment progress register. The data contained in those registers were used for preparing a set of data on the number of acquired properties and the amount and type of compensations disbursed.

All changes were recorded in the registers. Based on the aforementioned registers, the following parameters were monitored:

- a) number of properties for expropriation and expropriated,
- b) number of people requiring resettlement and already resettled (there were no such cases for Works Contract 3D.1/2),
- c) quantity of properties for temporary occupation (planned and actual),
- d) amount of all expenses for the implementation of LARAP process (planned and actual),
- f) compensations disbursed for loss of income sources,
- g) replacement properties acquired and awarded,
- h) implementation degree and status of protective actions,
- i) number of complaints,
- j) number of considered complaints.

The so created monitoring system of LARAP implementation allows for quick reactions in case of problems and for efficient reporting within the existing Contract management systems to funding agencies and to provide regular information on the problems, fortuitous events and irregularities.

The data collected continuously during implementation was also the basis for preparing the Final Report on the implementation of the LARAP.

5.2 IMPACT OF THE PROJECT ON PAPs AND LOCAL COMMUNITY

The project entitled *Construction of the right embankment of the Biala River in the City of Tarnów* was prepared by the Małopolskie Board of Amelioration and Water Structures in Cracow, which also obtained the decision to implement it. The entity was liquidated on 12/31/2017. The Act of July 20, 2017, Water Law, came into force on January 1, 2018, and it modified the previous structure of water management units and rules. The new provisions were enacted mainly to fully implement the Water Framework Directive into the Polish legislation. In place of the existing structure of government administration, which was the National Water Management Authority and its subordinate regional water management authorities, as territorial units, and the Provincial Boards of Amelioration and Water Structures, located in the local government structure, the State Water Holding Polish Waters was established.

As a result of the changes described above, this investment was taken over by the State Water Holding Polish Waters Regional Water Management Authority in Cracow. The organisational changes, the necessity to establish new structures and the handover of documents and cases initiated but not completed caused delays in compensation payments, which started in the second half of 2019, despite the fact that the Investment implementation decision was obtained in 2017 (decision no. 01/2017 of the Province Governor of Małopolskie of 08/31/2018 on the investment project implementation permit in the scope of flood protection facilities (ref. WI-IX.7840.1.1.2017), the Decision became finally valid on October 13, 2017).

Works Contract 3D.2/1 was implemented at the local chainage km 0+000 – 0+695 of the Biała River (register chainage of the Biała River at km 5+046 – 6+186), within the Małopolskie Province, the City of Tarnów and consisted in the construction of a new section of a flood protection embankment with a length of 695 m with accompanying infrastructure.

The decision on investment project implementation permit, on the day it became final, caused the following results for the expropriation of 8 properties with a total area of 1.8384 ha. These were properties that were in the stock of the Municipality of Tarnów. Allotment gardens were developed at 4 out of 8 properties, which have been legally taken over by the State Treasury (plots with register numbers 1/35, 1/37, 1/39, and 1/41 (partially)), whereas plots with register numbers 1/27, 1/29, 1/31, 1/33 were used as access roads to riverside areas. It was necessary to remove allotment gardens covering an area of 1.1320 ha for the construction of the embankment.

In addition, by virtue of the above-mentioned decision, four properties were located on the flood-prone side after embankment construction, forming what is known as an embanked area (the total area of the embanked area is 16.0877 ha), and allotment gardens also had to be removed in this area. The area of gardens that were removed in the embanked area is 12.2791 ha. Ultimately, the area will be cleared of the existing trees, bushes and structures, sown with grass and maintained as a green area (for walking and recreational) enabling the free flow of the flood wave.

The implementation of the investment was thus connected with the need to remove 279 allotment gardens, of which 94 gardens were not cultivated and had no user, and 185 were in use, including 240 allotment gardens within the embanked area (82 of these were not in use).

Compensation for the removed allotment gardens, the common parts of FAG Semafor and the right of ownership and use of the land was paid by the Investor, i.e. SWH PW RZGW in Cracow, before the start of the works.

For the purpose of restoring the family allotment gardens, the investor proposed 4 properties belonging to the Tarnów Municipality (plots with registration numbers 33/42, 34/1, precinct 0314, City of Tarnów and 45/1 and 45/3, precinct 0295) located about 1 km in a straight line from the area of the removed allotment gardens. The site was proposed for restoration of family allotment gardens and presented to the Małopolskie Regional Management Board of PAF and the users of the removed gardens. As the proposal was rejected, an alternative initiative was proposed to find replacement allotment gardens for all those interested in their further use. These initiatives lasted for 2 years, until there was no longer any willing PAPs interested in the continued use of the allotment garden.

It should be emphasised that the primary objective of the implemented Contract 3D.2/1 is to protect the inhabitants of Tarnów from the effects of floods. As a result of investment implementation, an area of approx. 15 ha, located within the city of Tarnów, embracing approx. 600 buildings and other enclosed facilities and linear structures, is protected from floods.

The construction of the new embankment was one of the stages of works to reduce the flood hazard in the catchment area of the Biała River. It is estimated that the implementation of the flood protection investment on the Biała River will allow to avoid flood damages worth approx. PLN 60 million (at 2010 prices), assuming the range of flood similar to that of 2010.

Positive social impacts, i.e. benefits for the local community, which are directly related to the investment objectives, should also be highlighted. The long-term benefits encompass:

- reducing/eliminating the risk of flood or waterlogging;
- protection of private and public land and assets, including built-up properties;
- psychological comfort of the local community during prolonged heavy rainfall or during the spring melt season;
- as a result of tidying up, the landscape has gained new qualities – new recreational areas have appeared (possibility to walk on the embankments and within the embanked area);
- protection of jobs both in services and in the production plants that have been secured from flood;
- increased attractiveness of the flood-protected site for new economic/investment projects in the area.

The above conclusions were also confirmed by the local leaders (i.e. representatives of the Municipality who participated in survey studies after the end of Contract implementation).

5.3 CASE STUDY – SPECIFIC EXPERIENCE CONNECTED WITH CONTRACT IMPLEMENTATION

For Works Contract 3D.2/1, a number of special procedures and measures to mitigate and compensate for impacts have been introduced. Such activities include:

- before the start of the Contract, a stationary information and consultation point was set up at FAG SEMAFOR (in the FAG Management Board's building), i.e. at the location where the investment was performed;
- jointly with an allotment garden user, a detailed inventory was taken of each allotment garden in the presence of an independent valuer and a representative of the FAG SEMAFOR Management Board;
- a replacement property was acquired to restore the allotment garden (although this proposal was not accepted, a number of actions and analyses were undertaken and a concept was prepared to adapt the area for the needs realised by PAF);
- a mechanism was set up that allowed compensation to be paid to users of allotment gardens in an area that was occupied illegally (without the right of use) by FAGs – under Polish law users were not entitled to compensation;
- a procedure was prepared that enabled compensation to be paid for the "remnants" of allotment gardens, a solution that was not applied on any of the other Contracts implemented under the OVFMP by the PIO in Cracow.

5.4 EVALUATION OF ACTIONS TAKEN AND OF THE ACHIEVEMENT OF THE OBJECTIVE DEFINED IN THE LARAP – RECOMMENDATIONS

The assumptions of the Land Acquisition and Resettlement Action Plan were put into life in line with the planned activities and procedures adopted for the Contract. The key aim of the Land Acquisition and Resettlement Action Plan was achieved, the properties necessary to implement the Contract were acquired in accordance with the Polish law and with the World Bank's policy OP 4.12 in a way which minimised adverse impact on project affected persons, and did not result in the physical or economic resettlement of households.

There were no significant impacts on PAPs during the execution of Works. By introducing the actions indicated in the LARAP, life conditions of PAPs have improved and the long-term and sustainable use of natural resources within this area was ensured. No vulnerable groups were identified within the Contract 3D.2/1 area, and the impact of the Contract itself did not adversely affect the enterprises or

the operation of agricultural activities. No impacts occurred in any case, inter alia, loss of sources of income, jobs, accessibility to infrastructure, loss of farming opportunities, loss of enjoyment of natural assets/access to parks, reserves, access to educational institutions, cultural facilities, etc.

It is recommended that the principle of paying compensation as early as possible, well in advance of the physical occupation of properties and the commencement of works, be adopted for subsequent Contracts carried out in the future. It is also recommended to work closely and collaboratively with those affected by the Project.

6. CONCLUSIONS AND SUMMARY

The main, measurable effect of implementing the Works Contract 3D.2/1 *Construction of the right embankment of the Biala River in the City of Tarnów* is to ensure flood protection of areas covering 15 ha inhabited by approx. 300 people (2 residential estates), where about 600 houses and outbuildings, commercial and service buildings, medical care units and educational-cultural-sport centres are located. This has eliminated the need for incurring gigantic financial outlays for removal of flood losses. Given the climate change currently taking place, the frequency and intensity of flood events is expected to increase. A one-off investment for the implementation of the said project has therefore enabled to avoid the need to secure financial outlays in the coming years to remove the losses.

In addition to the economic aspect, the immeasurable social aspect of implementing the investment is equally important, consisting of ensuring the sense of security for the local community living in the area covered by the investment, as well as the socio-economic expectations of the local population. Hygienic and sanitary conditions in the flooded area deteriorate drastically every time as a result of flooding. The plots located in areas exposed to flood are less attractive, which determines their low value on the property market. This situation also represents a serious barrier and an unfavourable environment for the development of local entrepreneurship and potential investors, which translates directly into a limitation of business development. All these public concerns and barriers to development were eliminated following the implementation of Works Contract 3D.2/1. Positive social impacts, i.e. benefits for the local community, which are directly related to the investment objectives, should also be highlighted. Long-term benefits include flood protection and the related development prospects for the area and the acquisition of new recreational land, as described in detail in 5.2.

It should be pointed out for the direct impact of the Project that:

- 8 properties belonging to the Municipality of Tarnów were subject to permanent occupation, Family Allotment Gardens were located on 4 of them (279 allotment gardens). As per the assumptions of the LARAP, the properties were not occupied and no works started on them until all compensation activities were completed.

Works Contract 3D.2/1 has not resulted in any physical or economic resettlement. No vulnerable groups were identified in the implementation area of the Contract, and the impact of the Contract itself did not adversely affect the enterprises or the operation of agricultural activities. **No impacts occurred** in scope of, inter alia, loss of sources of income, jobs, accessibility to infrastructure, loss of farming opportunities, loss of enjoyment of natural assets/access to parks, reserves, access to educational institutions, cultural facilities, etc.

Summarising the information presented above in the Final Report on LARAP implementation for Contract 3D.2/1:

- In connection with permanent occupation of properties, compensation was paid in cash, and the amount of compensation was equivalent to their replacement value in accordance with the World Bank's Operational Policy OP 4.12.
- Compensations were paid prior to the start of the works.

- Compensations were paid to all landowners who demonstrated their right to the properties acquired for the benefit of the State Treasury, as well as to illegal users for the plantings and building structures belonging to them;
- In the absence of eligible persons (the owner has died and the heirs have not yet carried out inheritance proceedings, no owner was found), the compensation was deposited with the court. This situation applies to 5 cases. The PIO's strategy for assistance in payment of compensation from the deposit to those eligible is described in chapter 3.5.3.

Detailed information on the payment of compensation is provided in chapter 3.5 and in **Appendix 4** to this report.

- 7 requests were received by the Investor to pay compensation for the so-called "remnants" of allotment gardens. A Committee, specially appointed for this purpose, analysed the situation for each garden and qualified all cases for payment. Compensation was paid.
- A stationary consultation point had already been set up at the site of the planned works (FAG SEMAFOR) before starting the execution of Works Contract 3D.2/1, and thereafter, 3 information points were in operation over the full implementation period of the Works Contract 3D.2/1, where complaints and requests could be filed concerning the Contract implementation.

Detailed information is described in chapter 4.

- When the Contract was being prepared for implementation (when individual decisions were applied for), and after preparing the Draft LARAP, public consultations were conducted – this process was held in accordance with World Bank standards and Polish legislation.

Detailed information on public consultation is described in chapter 3.2.

The rules arising from Polish legislation, World Bank's policy OP 4.12, LARFP and the LARAP were complied with during the execution of works. This applied to the acquisition of properties necessary to implement the Contract and to the manner of executing the works, which minimised adverse impacts on project affected persons. The guiding principle of the activities was to achieve the effect of improving or at least restoring PAPs' living conditions, and assuring long-time balanced use of environmental resources within that area.

This objective has been achieved for the Works Contract 3D.2/1.

Five compensations for the removed allotment gardens were paid into the court deposit.

After the implementation of Works Contract 3D.2/1, PAPs' standard of living has been restored or improved, as appropriate compensation was paid (compensating for the expropriation and enabling to acquire another property or to restore an allotment garden in another location) and the community living close to the new embankment is protected against flood that could threaten not only their assets but also their lives. Photographic documentation of the state before, during and after the end of investment execution is given in Appendix no. 6.

The key aim of the Land Acquisition and Resettlement Action Plan has also been achieved; the properties necessary to implement the Contract were acquired in accordance with the Polish law and with the World Bank's policy OP 4.12 in a way which minimised adverse impacts on project affected persons, and did not result in the physical or economic resettlement of households. There were no significant impacts on PAPs during the execution of Works. By introducing the measures indicated in the LARAP, life conditions of PAPs have improved and the long-term and sustainable use of natural resources within this area was ensured.

7. APPENDICES

Appendix no. 1 – Contract Location.

Appendix no. 2 – Screenshots of websites.

Appendix no. 3 – Documentation of public consultations.

Appendix no. 4 – List of properties – permanent occupation, permanent restrictions in use, obligation to reconstruct the network, right to use the property for construction purposes⁵.

Appendix no. 5 – List of properties – temporary occupation.

Appendix no. 6 – Photographic documentation – the state before the contract, during and after the end of works execution.

Appendix no. 7 – Sample survey addressed to PAPs after completion of Contract 3D.2/1.

Appendix no. 8 – List of cases where compensation was paid to court deposit.

Appendix no. 9 – Sample application for releasing the court deposit.

⁵ The financial data presented in the document was prepared on the basis of accounting and other financial documents made available to the authors of the Final Report.