

Report of Public Consultation

03.01.2019
4:00 pm

Communal Cultural
Center in Wrzawy
Wrzawy 486



Project/Contract:	<i>Odra-Vistula Flood Management Project / Works Contract 3D.1 San Programme. Passive Protection in San basin. „San III – extension of the left embankment of the San River at km 0+000 – 4+445, Gorzyce Commune, Podkarpackie Province”</i>		
The meeting organised by:	State Water Holding Polish Waters Regional Water Management Authority in Rzeszów (hereinafter as PGW WP RZGW in Rzeszów)	Type of meeting:	Public consultation
Leading:	Adrianna Siemionek-Ryszkowska, Marta Rak		
Participants:	Attendance list (Attach. 1) – anonymized due to the protection of personal data		

The World Bank is co-financing the implementation of the Works Contract 3D.1 San Programme. Passive Protection in San basin. „San III – extension of the left embankment of the San River at km 0+000 – 4+445, Gorzyce Commune, Podkarpackie Province”, therefore a document was prepared in both, Polish and English, entitled the Draft Land Acquisition and Resettlement Action Plan (Draft of LARAP) in accordance with World Bank’s Operational Policy OP 4.12. The document was subject to public consultation, the purpose of which was to allow individuals, institutions and all interested parties to view the document and to have an opportunity to submit comments, queries and requests regarding its contents.

Public disclosure of the Draft Land Acquisition and Resettlement Action Plan commenced on 14th December 2018 in accordance with Operational Policy OP 4.12, when an announcement was published in Gazeta Codzienna NOWINY (newspaper with local wide coverage) (Pic. 5 in Attachment 2).

Any interested party could, in the period from 14.12.2018 until 02.01.2019 (inclusive), get familiarized with the DRAFT of LARAP (in paper version) at the seats of:

- State Water Holding Polish Waters Regional Water Management Authority in Rzeszów, 17B Hanasiewicza Str., 35-103 Rzeszów, on working days between 7:00 a.m. and 3:00 p.m.,
- State Water Holding Polish Waters Regional Water Management Authority in Rzeszów, Water Supervision Department in Tarnobrzeg, 86 Sienkiewicza Str., 39-400 Tarnobrzeg, on working days between 7:00 a.m. and 3:00 p.m.,

or with the digital version of the document via a websites:

- PGW WP RZGW in Rzeszów, address – www.wodypolskie.bip.gov.pl,
- Gorzyce Commune Office, address – www.gminagorzyce.pl,
- Zaleszany Commune Office, address – www.zaleszany.pl,
- Odra – Vistula Flood Management Project Coordination Unit, address – www.odrapcu.pl.

Any interested party could submit remarks and motions referring to the DRAFT of LARAP in writing form and oral form to the minutes to the addresses mentioned above or in a digital form to the following e-mail address: rzeszow@wody.gov.pl in term as indicated above. PGW WP RZGW in Rzeszów was a competent institution

to consider the remarks and motions. Contact person in PGW WP RZGW in Rzeszów was Mrs Dominika Żurawska (telephone number: +48 17 853 74 41).

Announcement of public consultation was also posted on notice boards of PGW WP RZGW in Rzeszów, its branch office in Tarnobrzeg, as well as on the websites of the below indicated institutions:

- PGW WP RZGW in Rzeszów, address – www.wodypolskie.bip.gov.pl (Pic. 1 in Attachment 2),
- Gorzyce Commune Office, address – www.gminagorzyce.pl (Pic. 2 in Attachment 2),
- Zaleszany Commune Office, address – www.zaleszany.pl (Pic. 3 in Attachment 2),
- Odra – Vistula Flood Management Project Coordination Unit, address – www.odrapcu.pl (Pic. 4 in Attachment 2).

and on notice boards in Gorzyce Commune Office and Zaleszany Commune Office as well as at the sites of construction works (notice boards commonly used in Wrzawy and Skowierzyn).

The announcement invited individuals, authorities and interested parties to view Draft of LARAP for Works Contract 3D.1. Draft of LARAP was displayed to the public from 14th December 2018 to 2nd January 2019 (i.e. for a period of 11 working days) on the mentioned above websites.

In addition the information (individual invitations) was sent to the public institutions interested in the Project implementation:

- Representative of Podkarpackie Voivode (Director of the Department of Environment and Agriculture),
- Representative of Marshal of Podkarpackie Province (Department of Agriculture, Geodesy and Economy of Property),
- Starost in Tarnobrzeg,
- Mayor of Gorzyce Commune,
- Mayor of Zaleszany Commune,
- Headman of the Village of Wrzawy.

Printed document was made available for viewing by all interested parties during the period from 14th December 2018 to 2nd January 2019 at the offices of:

- State Water Holding Polish Waters Regional Water Management Authority in Rzeszów, 17B Hanasiewicza Str., 35-103 Rzeszów, on working days between 7:00 a.m. and 3:00 p.m.,
- State Water Holding Polish Waters Regional Water Management Authority in Rzeszów, Water Supervision Department in Tarnobrzeg, 86 Sienkiewicza Str., 39-400 Tarnobrzeg, on working days between 7:00 a.m. and 3:00 p.m.

During the period for submission of questions to the publicized Draft of LARAP no questions or requests have been received by PGW WP RZGW in Rzeszów. However, an interest in the document was noted. Downloading of the files from the websites indicated in the announcement was also observed. No questions were submitted to the Office/Offices of PGW WP RZGW in Rzeszów via e-mail or in person.

After completion of 11 working days long period of Draft LARAP's publicizing, on 3rd January 2019 at 4:00 pm, in the Communal Cultural Center in Wrzawy at Wrzawy 486, an open public meeting took place on the draft of the Document - **Land Acquisition and Resettlement Action Plan for Contract 3D.1** implemented within the Odra-Vistula Flood Protection Project.

Twenty one persons interested in Project implementation were present at the meeting. Among the participants were representatives of local government as well as the representatives of units directly involved in implementation of OVFMP: Investor - Project Implementation Unit of PGW WP RZGW in Rzeszów and Branch Office in Tarnobrzeg, Project Coordination Unit from Kraków, and Engineer – Consultant Team (AECOM Polska Ltd.).

The participants of the meeting were greeted by Mrs. Adrianna Siemionek-Ryszkowska (Project

Manager), then the meeting was handed over to Mrs. Marta Rak (Consultant, who was a co-author of the DRAFT of LARAP document).

Mrs. Marta Rak made a Power Point presentation on the Land Acquisition and Resettlement Action Plan for Works Contract **3D.1 San Programme. Passive Protection in San basin. „San III – extension of the left embankment of the San River at km 0+000 – 4+445, Gorzyce Commune, Podkarpackie Province”** – moving the participants closer to the aim and contents of the Plan prepared in accordance with the requirements of the World Bank, as well as the information regarding the OVFMP and next the Works Contract 3D.1, i.e. its location, scope of works, the state of progress of the realization decision (IPIP) procedure, the impact of the Contract, the legal basis for its implementation, with particular regard to Operational Policy OP 4.12. While presenting issues related to LARAP Mrs. Marta Rak drew particular attention to measures mitigating the social impacts and to the Contractor's responsibilities on principles of property acquisition for temporary occupation, as well as a mechanism of submitting complaints and proposals.

A brief discussion which took place after the presentation.

The person interested in Project implementation asked the following questions:

1. On what basis will the purchase of residuary parts of properties (the remnants) take place? Are there any conditions for properties to be eligible for purchase?
2. If an appeal is lodged with the Supreme Administrative Court, will any special procedures that speed up the examination of the application apply? I know from experience that these are long-term procedures and can they block the start of project?
3. What amount can be the amount of 5% for the earlier hand over of the property to the Investor?

The Consultant replied to the questions during the meeting:

Add. 1. As mentioned during the presentation, to initiate purchase of residuary parts of properties it is necessary to submit an appropriate application by the owner / perpetual user of the property, which has been partially expropriated. According to the provisions of the Special Flood Act, a part of the property may be qualified as a " remnants" if it meets the following condition, i.e. "not suitable for use for the current purposes". With such formulation of the provisions of the Special Flood Act, each case will be considered individually by the Investor.

Add. 2. Unfortunately, the appeal proceedings before the Supreme Administrative Court will not take place on expedited dates, but in the ordinary course. However, it will not make it impossible to pay compensation for the so-called uncontested part and will not result in blocking the possibility of Task implementation.

The principle of paying compensation before commencement of construction works is one of the main obligations of the Investor resulting from the policy of the World Bank OP 4.12, which was mentioned during the presentation. It is possible to implement, because at the time of issue by the Voivode, at the request of the expropriated person, of the Decision determining the amount of compensation, the amount indicated in the Decision can be paid out, and it does not exclude the person from the possibility to appeal to the higher authority, the Minister, and then to the administrative court (the process is described in detail in the LARAP).

In the case of unresolved ownership issues or failure to find the owner / owners, it is possible to deposit the amount of compensation and such action represents the compliance with the principle of paying compensation before the commencement of works.

Therefore, procedures have been established that will allow implementing in practice the rule of paying compensation before the commencement of construction works, and the procedure for appealing against the amount of compensation will be allowed to take place in the standard manner.

Add. 3. At present, it is not possible to estimate this amount. It will depend on the value of compensation for the expropriated property, which will be determined in the evaluation report by an independent valuation expert. The expert will determine the value of compensation depending on the qualities of the property (i.e. its shape, communication, provision of the media and zoning in a Town Planning Scheme, or in Town Planning Report). The amount of compensation will also depend on the prices of sales that took place on the local property market. A report will be prepared individually for all properties. You will be able to have access to the reports.

A bonus of 5% will be added to the amount of compensation (in the literal wording of the Special Flood Act, compensation will be increased by an amount equal to 5% of the value of the property or the value of the right

of perpetual usufruct). However, it should be emphasized that according to the Special Flood Act, the property can be handed over within 30 days from the date of receipt of the notification about the issuance of the IPIP Decision by the Voivode of the Province.

In addition to this answer, Mrs. Adrianna Siemionek-Ryszkowska appealed to the persons who are in favor of the implementation of the project, if they still have the opportunity, to hand over their properties to the Investor, as confirmation of public consent for the implementation of the Works Contract 3D.1.

The meeting participants were thanked for coming and participating in the meeting. A representative of the Investor also sent a thank-you to the participants of the meeting and additionally provided information on the possibility of getting acquainted with the construction design.

At the end of the meeting, a former Member of the Parliament, a longtime social activist who worked in local government units, Mr Władysław Stępień, took the floor. He stressed the great importance of this Project for the local community and for how long its implementation was expected in the region. This statement was supported by the Headman of the Village of Wrzawy, Mr. Marian Kopyto.

After the official part of the meeting, the participants got acquainted with the construction design and property subdivision maps. Representatives of Project Implementation Unit of PGW WP RZGW in Rzeszów provided detailed information about the technical solutions to every interested person.

The participants were thanked for the attending the meeting and for active participation.

The meeting was closed.

The comments made by the public during the public consultation did not change the contents of the LARAP.

Report done by:

Marta Rak

Attachments:

- The attendance list of those present at the meeting on 3/01/2019 (list anonymized due to the protection of personal data).
- Photographs, documentation of announcements.