

Sub: Diversion of 6017.00 ha. of forest land in favour of Rashtriya Jal Vikas Abhikaran for development of Ken-Betwa Link Project from Distt. Chattarpur, Panna and Tikamgarh, Madhya Pradesh – reg.

1. The State Government of Madhya Pradesh vide their letter No. F-3/50/2015/10-11/2182 dated 07.10.2016 submitted the above proposal for seeking prior approval under Section 2 of Forest (Conservation) Act, 1980.
2. Legal Status of the Land -
Chhatarpur (T) - 337.55 ha (PF); Tikamgarh (T) - 91.18 ha (RF) ; Tikamgarh (T) - 9.34 ha (PF) ; Panna National Park - 4757.06 ha (PF) ; Panna National Park - 821.86 ha. (RF) ; Panna North (T) - 0 ha. (PF)
Total = 6016.99 ha.
3. The forest proposed for diversion with vegetation density is as follows:
Chhatarpur – Density: 05, Eco-Class: 3,
Panna National Park - Density: 02 to 0.7, Eco-Class: 3,
Tikamgarh - Density : 0.2 & 0.5, Eco- Class : 3.
4. The said proposal was earlier placed before Forest Advisory Committee (FAC) in its meetings held on 9th & 10th November, 2016, 30.03.2017 and 25.04.2017.
5. As per the recommendation of Forest Advisory Committee (FAC) in its meeting held on 9-10 November 2016, a Sub-Committee of Forest Advisory Committee (FAC) committee was constituted on 22.12.2016 to inspect the site, verify the relevant document/reports and furnish its report to MoEF&CC to be placed before FAC for further consideration. The recommendations/ observations of the Sub-Committee of Forest Advisory Committee (FAC), constituted on 22.12.2016 to inspect the site, verify the relevant document/reports were placed before FAC in its meeting held on 30.03.2017.
6. **The FAC considered the report of the sub-committee of the FAC in its meeting held on 30.03.2017.**
7. The Chairman of the Sub-committee presented the report and its recommendations.
8. The FAC also considered the recommendations of the sub-committee of NBWL (prepared by Dr. H.S.Singh and Sukumar), Wildlife Institute of India (WII) and also the wildlife clearance given by NBWL.
9. The FAC also considered representations from non-governmental organizations working in the field of conservations and considered the concerns raised by them.
10. After careful consideration and discussion on the facts placed and report of Sub-committee of FAC, the FAC accepted the recommendations of the sub-committee.
11. Subsequently, it was decided by the competent authority in this Ministry to place the issues of hydrology raised in the following para before FAC:

“the FAC recommends that the water flow downstream should be regulated in line with the natural flow regime and, in the lean period, 100% of the existing flow regime should be maintained while in the non-lean period, the prescribed minimum by hydrology and aquatic biodiversity experts should be ensured. In drought-prone areas, dams are not filled in the dry period when water is most needed. In this background the height of the Dhaudan dam may be re-examined in the interest of conserving the Park and recommends that the height may be reduced by 10.0 meters if not at least 5.0 meter as a trade-off between conservation and development. Water supply from the dam and also adequate flow in the river during monsoon to recharge the ground water from the dam to the site where it meets the Yamuna should be ensured. Some water should also be spared for PTR management including fire management.”

12. **The Committee noted in its last meeting held on 25.04.2017** that the proposal had been considered in thorough detail in the FAC meeting held on 30th March, 2017.

13. The Committee also observed that subsequently the matter was referred to the competent authority with the following observations.

“The proposal at ‘X’ N-28 [Para 21(3)] will have far reaching consequences and we may take view of an expert on hydrology before taking a final call”. In this regard, para (11) above is referred.

14. **Recommendations of FAC in its meeting held on 25.04.2016 :** The FAC heard the project proponents, officials of Ministry of Water Resources, NWRDA, Govt. of Madhya Pradesh and the APCCF (C). The User Agency made a presentation that it would not be technically feasible to reduce the height of the dam. The User Agency presented that there will be submergence of 4141 Ha in the Panna Tiger Reserve. The User Agency has identified about 2000 Ha of Revenue Land on the Eastern Side of Panna Tiger Reserve for Compensatory Afforestation and after relocating the 9 villages (at the project cost) would amalgamate the area into the core area of Panna Tiger Reserve. FAC recommended that the User Agency should identify a further 2000 Ha in the immediate vicinity of the Tiger Reserve for Compensatory Afforestation so as to at least offset the loss of Core Tiger Reserve area. The remaining Compensatory Afforestation in degraded forests will be taken up in the landscape of the Panna Tiger Reserve and the corridor between Nauradehi WLS and Panna Tiger Reserve be strengthened.
15. The FAC took into consideration apprehension that reservoir may not be filled up completely or will be full only for few months. Therefore no trees would be felled from FRL 288 m to 278 m until it is ascertained that they will be actually submerged.

To examine these aspects referred above FAC constituted a Committee under the Chairmanship of Sh Tejinder Singh, APCCF (C), Regional Office, Bhopal with the following Members:-

1. The Chief Wildlife Warden, Madhya Pradesh.
2. The Nodal Officer (FCA), Madhya Pradesh.
3. One senior representative of Ministry of Water Resources.
4. One senior representative of Central Water Commission.
5. One senior representative of State Water Resources Department / Irrigation Department.
6. Field Director, Panna Tiger Reserve, Madhya Pradesh.
7. Senior Hydrologist to be nominated by the Ministry of Water Resources.

The Committee would also look into all unresolved issues such as relocation of Revenue villages, conservation of vultures and availability of water in the reservoir and submit its report at the earliest so that a final view may be taken in the next meeting of FAC.

16. The Ministry by O.M. dated 03.05.2017 (**F/Z**) constituted a committee as recommended by FAC in its meeting held on 25.04.2016 with request to submit their report on or before 15.05.2017.
17. The committee as constituted vide O.M. dated 03.05.2017 has submitted their report and the same is placed in file at **F/Y**.

The said report is as reproduced below:

The MOEF&CC vide OM dated 03-05-2017 constituted a seven-member Committee under the Chairmanship of Sh Tejinder Singh, APCCF (C), Regional Office, Bhopal to go into the following issues concerning diversion of 6017 ha of forest land for the construction of Ken-Betwa Link Project in Madhya Pradesh:

- (i) Possibility of reducing the height of the Daudhan Dam.

- (ii) Justification of the height of the dam vis-a-vis the hydrology and availability of water for the dam.
- (iii) Possibility of relocating villages under the Panna Tiger Reserve landscape.
- (iv) Action Plan for conservation of vultures.

After thorough discussion among the members of the Committee the following unanimous viewpoints were formulated for placing before the FAC:

- 1. Possibility of reducing the height of the Daudhan Dam:** The representatives of the NWDA and CWC informed that the present height of the dam has been arrived at after a very thorough field study, data collection and technical analysis by various experts and, therefore, any reduction in the height of the dam now would make the whole project technically unfeasible. Since the height of the dam, related hydrology and objectives set out for the project are interrelated as also highly technical issues the Committee agreed to recommend no change in the height of the dam.
- 2. Justification of the height of the dam vis-a-vis the hydrology and availability of water for the dam:** The Committee took note of the misgivings in certain quarters, including some press reports, suggesting that there isn't enough water in the Ken basin to warrant a dam of this height and that there is no point in clearing of the forest area which eventually would never ever get filled up. The expert members present in the meeting totally disagreed with this view and further reiterated that the detailed hydrology studies were carried out and authentic data collected before deciding the height of the dam. However, as a matter of abundant caution as also to accommodate this divergent view it was unanimously agreed that to begin with no tree felling shall be done up to FRL minus 10 Mts. It is only after actually attaining FRL that the decision to fell trees above FRL minus 10 shall be taken by the forest department.
- 3. Possibility of relocating villages under the Panna Tiger Reserve landscape:** The representatives of the MP Forest Department explained in detail how the submergence would fragment and affect the tiger habitat in the Core area of the Reserve. To compensate this by way of providing alternate corridors for tiger movement and dispersal, it was unanimously agreed that some of the revenue villages lying in the Panna Tiger Reserve landscape would need to be relocated. The Field Director, Panna Tiger Reserve gave a list of revenue villages that need to be relocated a copy of which is enclosed. However the project authorities felt that it may not be possible to shift all the villages listed. It was eventually agreed that a more detailed discussion shall take place between the project authorities and the forest department to arrive at the list of the revenue villages that would eventually be relocated. It was also agreed that since the villages involved are revenue villages the entire exercise for relocation shall be carried out by the revenue department with the help of the project authorities and that the entire expense for relocation shall be born by the project. Further it was also agreed that the revenue land so secured through relocation shall be declare Reserve Forest/PF and handed over to the forest department. The Project authorities also accepted that until all the agreed to revenue villages are relocated no closure of dam gates and impounding of water shall be permitted.
Regarding the details of the villages to be relocated, about which there is some disagreement between project and the forest department, it is well considered view of the APCCF (C), Regional Office, Bhopal that for the sake of objectivity and neutrality a Committee consisting of the Filed Director, Panna, a representation of the Project, a representative of the Regional office, Bhopal and a representative of NTCA shall approve such a list and forward it to MOEF&CC before the issue of Stage II approval.
- 4. Action Plan for conservation of vultures:** The project authorities agreed that for this purpose a Consultancy shall be given to BNHS and the action plan so prepared shall be fully funded and implemented at project cost through the forest department.

Besides the above four specific TOR given to the Committee the following issues were also discussed and suggestions made for the consideration of the FAC:

- a) The Project may construct a number of concrete dykes across smaller streams going off from the main reservoir which during FRL shall be over flown but which during lean season shall dam up small isolated water bodies for the benefit of the wildlife.
- b) As per the Supreme Court order 5% of the project cost corresponding to the project area falling within the Protected Areas would be paid by the user agency for the development of the concerned National park/Wildlife Sanctuary. The Committee recommends that the fund so due from the Project should be placed as a kind of corpus fund with the Field Director, Panna and that instead of its use only within Panna Tiger Reserve it should be used for funding conservation and administrative activities for the entire Panna Tiger Conservation landscape.

In view of above, the facts related to the above proposal may be placed before FAC in its forthcoming meeting scheduled to be held on 16.05.2017 for their examination and appropriate recommendation.
