

Government of India
Ministry of Environment, Forest and Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan
Aliganj, Jorbagh Road
New Delhi - 110003

Dated: 2nd March, 2021

To,

The Principal Secretary (Forests),
Department of Forest and Environment,
Government of Madhya Pradesh,
Bhopal.

Sub: Proposal for diversion of 72.00 ha. of Forest Land for construction of Patpadi Tank Project in favour of Water Resources Department, Dewas District, Madhya Pradesh State (Online proposal No. FP/MP/IRRIG/20556/201) - regarding.

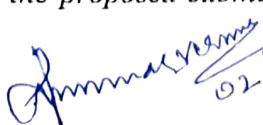
Madam/Sir,

I am directed to refer to the Additional Principal Chief Conservator of Forests (Land Management) & Nodal Officer, FCA, Govt. of Madhya Pradesh's letter No. F-3/86/2018/10-11/16/2126 dated 08th July, 2020 on the subject mentioned above seeking prior approval of the Central Government under Section-2(ii) of the Forest (Conservation) Act, 1980 and to say that the said proposal has been examined by the Forest Advisory Committee (FAC) constituted by the Central Government under Section-3 of the aforesaid Act.

2. After careful examination of the proposal of the State Government and on the basis of the recommendations of the Forest Advisory Committee "**In-principle/ Stage-I**" approval of the Central Government is hereby granted under Section 2 (ii) of the Forest (Conservation) Act, 1980 for non-forest use of 72.00 ha. of Forest Land for construction of Patpadi Tank Project in favour of Water Resources Department, Dewas District, Madhya Pradesh State, subject to the fulfilment of following conditions:

A: Conditions which need to be complied prior to handing over of forest land by the State Forest Department and compliance is to be submitted prior to Stage-II approval:

- i. *The State government will carry out adequate Soil and Moisture Conservation works in the catchment area (e.g. stop dams, sunken pits, contour trenches, percolation pits, etc.) so that the reservoir gets enough recharge of water and the irrigation efficiency is improved. These works would be in addition to the plantation proposed to be done under CA.*
- ii. *The KML files of diverted area and CA areas shall be uploaded on the e-Green watch portal with all requisite details prior to Stage II approval.*
- iii. *As a measure for lowering the dependence of local people on forest extraction for livelihoods/ farmland fencing, etc. and allow the nearby degraded forests to regenerate, horticulture on farmers' lands will be promoted. Adequate number of saplings of fruit bearing species shall be raised and distributed to farmers in surrounding village by the forest department at the cost of the User Agency. Assistance under Sub-Mission on Agro-forestry of the Ministry of Agriculture and Farmers' Welfare, Govt of India may also be taken.*
- iv. *The areas surrounding the proposed submergence zone supports a wide range of*

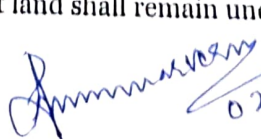

02/03/2021

wild animals like hyena, jackal, langoor, fox, hare, blue bull, chinkara etc. Submergence of a large area and construction and maintenance activities will adversely impact the wildlife. The State government will, therefore, prepare a Wildlife Management Plan (WLMP) for wildlife conservation for area around proposed area of diversion, and implement it at the cost of the user agency.

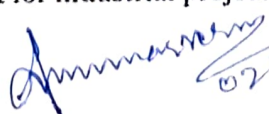
- v. The user agency will ensure free water for the purpose of wildlife and forest management;
- vi. The User Agency shall transfer online, the Net Present Value (NPV) of the forest land being diverted under this proposal, as per the orders of the Hon'ble Supreme Court of India dated 28.03.2008, 24.04.2008 and 09.05.2008 in Writ Petition (Civil) No. 202/1995 and the guidelines issued by this Ministry vide its letter No. 5-3/2007-FC dated 05.02. 2009. The requisite funds shall be transferred through online portal into Ad-hoc CAMPA account of the State Concerned;
- vii. The cost of compensatory afforestation at the prevailing wage rates as per compensatory afforestation scheme and the cost of survey, demarcation and erection of permanent pillars if required on the CA land shall be deposited in advance with the Forest Department by the project authority. The CA will be maintained for 10 years. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years;
- viii. The non-forest land shall be transferred and mutated in favor of Forest Department and notified as Reserved Forest /Protected Forest prior to Stage-II approval. A copy of the original notification declaring the non-forest land under Section 4 or Section 29 of the Indian Forest Act, 1927, or under the relevant section of the State Forest Act as the case may be, will be submitted by the State Government prior to State-II approval;
- ix. The land identified for the purpose of CA shall be clearly depicted on a Survey of India topo sheet of 1:50,000 scale;
- x. All the funds received from the user agency under the project shall be transferred/deposited in CAMPA account only through e-portal (<https://parivesh.nic.in/>). Amount deposited through other mode will not be accepted as compliance of the Stage-I clearance.
- xi. The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>).
- xii. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector;
- xiii. The State Government ensure that the user agency shall implement the R&R Plan as per the R&R Policy of State Government in consonance with National R&R Policy, Government of India before the commencement of the project work. The said R&R Plan will be monitored by the State Government / Regional Office of MoEF&CC along with indicators for monitoring and expected observable milestones; violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as prescribed in para 1.21 of Chapter 1 of the Handbook of comprehensive guidelines of Forest (Conservation) Act, 1980 as issued by this Ministry's letter No. 5-2/2017-FC dated 28.03.2019;

B: Conditions which need to be complied on field after handing over of forest land to the user agency by the State Forest Department but the compliance in form of undertaking shall be submitted and compliance is to be submitted prior to Stage-II approval:

- i. Legal status of the diverted forest land shall remain unchanged;


02/03/2021

- ii. The Compensatory Afforestation shall be taken up by the State Forest Department over 72.00 ha. Non-forest land (Survey No. 66 Min/1, 806, 836/1, Village-Jamgod, Anandpur, Dugriya, Khatambha, District-Dewas and Survey No. 197/2, Village-Khatambha, District- Dhar) at the cost of the User Agency. As far as practicable a mixture of local indigenous species will be planted and monoculture of a species has to be avoided;
- iii. The State Government shall submit a certificate, that site for CA is suitable and free from all encroachments and other encumbrances, under the signature not below the rank of Nodal Officer (FCA) in the State Government;
- iv. Additional amount of the NPV of the diverted forest land, if any, becoming due after finalization of the same by the Hon'ble Supreme Court of India on receipt of the report from the Expert Committee, shall be charged by the State Government from the User Agency. The User Agency shall furnish an undertaking to this effect;
- v. The User agency shall obtain the Environment Clearance as per the provisions of the Environment (Protection) Act, 1986, if required;
- vi. The cost of felling of trees shall be deposited by the User Agency with the State Forest Department;
- vii. The Copy of approved Catchment Area Treatment (CAT) Plan shall be submitted, if applicable and the commensurate cost of CAT plan shall be deposited in the CAMPA account through e-portal;
- viii. The State Government shall ensure that the forest land located between FRL and the FRL-4 meters may be afforested by planting appropriate indigenous tree species;
- ix. The User Agency shall undertake afforestation along the periphery of the reservoir;
- x. The User agency shall provide free water for the forestry related projects;
- xi. Layout plan of the proposal shall not be changed without the prior approval of the Central Government;
- xii. No construction of buildings / labour camp/huts shall be allowed on the forest land;
- xiii. The forest land shall not be used for any purpose other than that specified in the proposal and under no circumstances be transferred to any other agency, department or person;
- xiv. User agency in consultation with the State Forest Department shall create and maintain alternate habitat/home for the avifauna, whose nesting trees are to be cleared in this project. Bird nests artificially made out of eco-friendly materials shall be used in the area, including forest area and human settlements, adjoining the forest area being diverted for the project;
- xv. The user agency shall provide alternate fuels to the labourers and the staff working at the site so as to avoid any damage and pressure on the nearby forest areas;
- xvi. Boundary of the forest land proposed to be diverted shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, forward and back bearing, distance from pillar to pillar and GPS co-ordinates;
- xvii. The State Government shall maintain the character of the projects as an irrigation project and to ensure continued benefit to the farmers in the command area, no more diversion of water from the project for industrial projects will be permitted in future;


02/03/2021

xviii. The user agency shall submit the annual self-compliance report in respect of the above conditions to the State Government, concerned Regional Office and this Ministry by the end of March of every year regularly; and

xix. Any other condition that the Ministry of Environment, Forests & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests & wildlife shall be carried with by the State Government and user agency;

xx. The State Government and user agency shall ensure compliance to all conditions stipulated in the Stage-I approval for which undertakings have been obtained from the user agency and also the provisions of the all Acts, Rules, Regulations and Guidelines, relevant Hon'ble Court Order (S) and NGT Order (S), if any, pertaining to this project for the time being in force, as applicable to the project.

After receipt of compliance report on fulfillment of the conditions mentioned above, the proposal shall be considered for final approval under Section-2(ii) of the Forest (Conservation) Act, 1980. Transfer of forest land shall not be effected till final approval is granted by the Central Government in this regard.

Yours faithfully,


(Shrawan Kumar Verma)

Dy. Inspector General of Forests

Copy to: -

1. The PCCF (HoFF), Department of Forest and Environment, Government of Madhya Pradesh, Bhopal;
2. The Regional Officer, Integrated Regional Office, MoEF&CC, Bhopal;
3. The Nodal Officer (FCA), Department of Forest and Environment, Government of Madhya Pradesh, Bhopal;
4. User Agency;
5. Monitoring Cell, FC Division, MoEF & CC, New Delhi.