

F. No. 8-32/2018-FC
Government of India
Ministry of Environment, Forests & Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan,
Jor Bagh Road, Aliganj,
New Delhi: 110003,

Dated: 18th October, 2018

To,
The Principal Secretary (Forest),
Government of Chhattisgarh.
Raipur

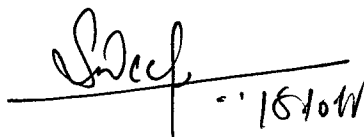
Sub: Proposal for diversion of 48.83 ha of forest land for construction of Markatola Tank in favour of Water Resource Department, Rajnandgaon under Forest (Conservation) Act, 1980 in Rajnandgaon District in the State of Chhattisgarh.

Sir,

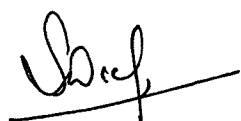
I am directed to refer to the Government of Chhattisgarh's letter No. F-5-6/2018/10-2 dated 21.03.2018 on the subject mentioned above seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980 and to say that the proposal has been examined by the Forest Advisory Committee constituted by the Central Government under Section-3 of the aforesaid Act. The detailed minutes of the FAC meeting held on 30.08.2018 is placed on the website of this Ministry: www.forestclearance.nic.in.

After careful examination of the proposal of the State Government and on the basis of the recommendations of the Forest Advisory Committee, the Central Government hereby conveys the '*in-principle*' approval for diversion of 48.83 ha of forest land for construction of Markatola Tank in favour of Water Resource Department, Rajnandgaon under Forest (Conservation) Act, 1980 in Rajnandgaon District in the State of Chhattisgarh subject to fulfilment of the following conditions:

- i. Legal status of the diverted forest land shall remain unchanged;
- ii. Compensatory afforestation over 102.237 ha Revenue forest land (Orange forest land) shall be raised within a period of three years with effect from the date of issue of Stage-II clearance and maintained thereafter in accordance with the approved Plan at the cost of the user agency;
- iii. 25% of CA cost will be deposited extra by the user agency for soil and moisture conservation (SMC) activities on the CA land.
- iv. **Revenue forest land (Orange forest land) of 102.237 ha which has been earmarked for CA shall be mutated in favour of forest department prior to Stage-II approval.**
- v. **State Government has submitted the cost benefit analysis as per latest guidelines issued by MoEF&CC. From the perusal of the analysis it is observed that the Ecological Cost of the project is more than the benefit expected to be drawn from the construction of the project. State Government shall clarify why it wishes to implement the project which has more ecological loss than the benefit it envisages to draw from the construction of the project. Satisfactory reply in this regards shall be provided prior to Stage-II approval.**
- vi. The Revenue forest land to be transferred and mutated in favour of the State Forest Department for raising Compensatory Afforestation shall be notified as Reserved Forest under Section-4 or Protected Forest under Section-29 of the Indian Forest Act, 1927 or under the relevant Section(s) of the local Forest Act;


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- vii. The user agency shall prepare and submit approved Catchment Area Treatment (CAT) Plan prior to Stage-II approval. The commensurate funds for implementation of CAT Plan shall be deposited in CAMPA account;
- viii. The User Agency shall transfer the cost of raising and maintaining the **compensatory afforestation** at the current wage rate in consultation with State Forest Department in CAMPA account of the concerned State **through online portal**. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years.;
- ix. The User Agency shall transfer the funds for **the Net Present Value (NPV)** of the forest land being diverted under this proposal from the User Agency 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 **through online portal** of CAMPA account of the State Concerned;;
- x. **User Agency should ensure that the Compensatory levies (CA cost, NPV, etc.) are deposited through challan generated online on web portal and deposited in appropriate bank online only. Amount deposited through other mode will not be accepted as compliance of the Stage-I clearance.**
- xi. The User Agency shall pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India;
- xii. User agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- xiii. 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 and implementation. 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;
- xiv. The tree felling in the forest area, so diverted, shall only be as per the actual requirement and with prior permission of the competent authority.
- xv. The State Govt. shall ensure that the User agency shall undertake afforestation along the periphery of the reservoir;
- xvi. The State Government shall ensure that there shall be no tree felling between FRL (Full Reservoir Level) and FRL - 4 meters and the forest land located between FRL and the FRL-4 meters may be afforested by planting appropriate indigenous tree species;
- xvii. User agency shall provide free water for the forestry related projects;
- xviii. Layout plan of the proposal shall not be changed without the prior approval of the Central Government;
- xix. No labour camp shall be established on the forest land;
- xx. 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;
- xxi. 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;
- xxii. 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;
- xxiii. The State Government shall maintain the character of the project 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;
- xxiv. The State Government shall complete settlement of rights, in terms of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, if any, on the forest land to be diverted and submit the documentary evidence in accordance


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with Ministry's guidelines vide its letter No. 11-9/1998-FC (pt.) dated 03.08.2009 read with 05.07.2013, in support thereof;

- xxv. Any other condition that the concerned Regional Office of this Ministry may stipulate, from time to time, in the interest of conservation, protection and development of forests & wildlife;
- xxvi. 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
- xxvii. The User Agency and the State Government shall ensure compliance to provisions of the all Acts, Rules, Regulations, Guidelines and relevant Hon'ble Court Order (s). if any, pertaining to this project for the time being in force, as applicable to the project.

After receipt of the compliance report on fulfilment of the above conditions from the State Government, formal approval will be considered under Section-2 of the Forest (Conservation) Act, 1980. The transfer of forest land to the User Agency shall not be affected by the State Government till formal orders approving the diversion of forest land are issued by the Central Government.

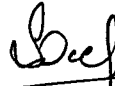
Yours faithfully,


(Sandeep Sharma) 10/16

Assistant Inspector General of Forest (FC)

Copy to:

1. The Principal Chief Conservator of Forest, Govt. of Chhattisgarh, Raipur.
2. The Addl. PCCF (Central), Regional Office, MoEF&CC, Nagpur
3. The Nodal Officer (FCA), O/o the PCCF, Govt. of Chhattisgarh, Raipur.
4. The User Agency.
5. Monitoring Cell, FC Division, MoEF, New Delhi.
6. Guard File.


(Sandeep Sharma)

Assistant Inspector General of Forest (FC)