



GOVERNMENT OF INDIA
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE
REGIONAL OFFICE (RANCHI)

BUNGALOW NO.A-2, SHYAMLI COLONY, RANCHI - 834002

TEL: 0651-2410007, 2410002, E-mail: ro.ranchi-mef@gov.in



जहाँ है हरियाली ।
वहाँ है खुशहाली ॥

No. FP/BR/ROAD/29990/2017 /2766

Dated 6th December, 2018

To

The Principal Secretary,
Department of Environment and Forests,
Government of Bihar, Sinchai Bhawan,
Secretariat, Patna.

Sub: Diversion of 5.795 ha forest land for widening and strengthening of SH-82 Lachhwar to Jamui-Garhi-Rupawel-Kowakol Road total length 12.20 Km (Ch 6000-17000 = 11.00 km & Ch 21100 - Ch 22300 = 1.20 km) in Jamui district of Bihar.

Sir,

I am directed to refer to letter No.Van Bhumi-63/2018-1130(E)/Pa.Va. dated 8.10.2018 of the State Government & letter No.FC-1215 dated 16.11.2018 of the Nodal Officer on the above mentioned subject seeking prior approval of the Ministry of Environment, Forest and Climate Change under section 2 of Forest (Conservation) Act, 1980.

After due consideration of the proposal of the State Government and on the basis of decision of Regional Empowered Committee in its 23rd meeting, the Central Government, hereby, conveys "**in-principle**" approval for diversion of 5.795 ha forest land for widening and strengthening of SH-82 Lachhwar to Jamui-Garhi-Rupawel-Kowakol Road total length 12.20 Km (Ch 6000-17000 = 11.00 km & Ch 21100 - Ch 22300 = 1.20 km) in Jamui district of Bihar, subject to the fulfillment of the following conditions.

1. Legal status of forest land proposed for diversion shall remain unchanged.
2. The State Govt. shall charge the Net Present Value (NPV) of forest area proposed to be 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 in this regard.
3. Additional amount of NPV of the diverted forest land, if any, becoming due after finalization of the same by the Hon'ble Supreme Court of India, shall be charged by the State Government from the user agency.
4. Compensatory afforestation over the equivalent non forest land as proposed by the State Government shall be raised and maintained by the State Forest Department at the cost of the user agency. The user agency shall transfer the cost of compensatory afforestation and its maintenance for 10 years (revised

as on the date to incorporate the existing wage structure) to State Forest Department.

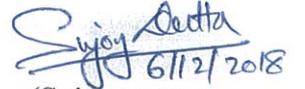
5. The non-forest land identified for compensatory afforestation shall be transferred and mutated in favour of the State Forest Department for raising compensatory afforestation before issue of the Stage-II approval.
6. The non-forest land which is transferred and mutated in favour of the State Forest Department for the purpose of Compensatory Afforestation shall be declared 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. The Nodal Officer must report compliance within a period of 6 months from the date of grant of final approval and send a copy of the original notification declaring the non-forest land as R.F. under Section-4 or P.F. under Section-29 of the Indian Forest Act, 1927 or under the relevant section of the local Forest Act as the case may be, to this Ministry for information and record.
7. 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.
8. The User Agency should submit the original FRA certificate in Ministry's prescribed format along with copy of the records of consultation and meeting of the Gram Sabhas, Forest Right Committee, Sub-Divisional Level Committee and District Level Committee before the issuance of Stage-II approval.
9. The User Agency should pay all the dues of NPV, CA & Penal CA of 10 proposals (Stage-I already issued) immediately, as mentioned by the Nodal Officer, Bihar & a report may be submitted in this office in this regard.
10. The State Government shall submit the toposheet map in 1:50,000 scale depicting the proposed CA site along with the signature of concerned DFO before the issuance of final approval.
11. The boundary of the forest land proposed for diversion, shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, DGPS coordinates, forward and back bearing and distance from adjoining pillars etc.
12. Felling of trees as required should be done expeditiously, under the supervision of the State Forest Department so that project works are not affected.

13. The State Government shall plant local and non-browsable tall tree species (10 times of the trees proposed for felling of more than 60 cm girth and 2 times of the trees less than equal to 60 cm girth), local trees mostly peepal and banyan may be planted using low cost bamboo gabion. The cost of the plantation along with 3 years maintenance shall be provided by the User Agency to the State Forest Department.
14. Extra underpasses excluding the existing culverts, bridges and Hume pipe passages shall be constructed/ renovated by the User Agency for the safe passage of the wildlife including amphibians and reptiles, so that no adjacent underpasses are more than 500 meters apart.
11. The designing of new culverts/bridges and redesigning the existing ones over the natural streams/rivers/canals should be done in such a manner that it does not hamper the natural course of water, does not give rise to water-logging, so that it does not hamper movement of wild animals including fishes & amphibians migration.
12. Earth or any other material shall not be brought from and debris resulting during construction shall not be disposed of in the adjoining forest area by the user agency:
13. It will be the responsibility of the User Agency to ensure that the labourers and staff engaged in construction activity do not damage the nearby forest flora and fauna.
14. The User Agency shall provide LPG to the labourers and the staff working at the site so as to avoid any damage and pressure on the nearby forest areas for collection of firewood for their use.
15. The lay out plan of the proposed forest land shall not be changed without prior approval of the Ministry of Environment, Forests and Climate Change.
16. The forest land proposed for diversion shall, under no circumstances, be transferred to any other agency, department or person without prior approval of the Ministry of Environment, Forest and Climate Change.
17. The user agency and the State Government shall ensure compliance to provisions of the all Acts, Rules, Regulations and Guidelines, for the time being in force, as applicable to the project.
18. Any other conditions that the Ministry of Environment, Forests and Climate Change may impose from time to time in the interest of afforestation, conservation and management of flora and fauna in the area, shall be complied by the user agency.

After receipt of the compliance report on fulfillment of the conditions as stipulated above, from the State Government, formal approval will be issued in this regard under

Section 2 of Forest (Conservation) Act, 1980. Transfer of forest land to user agency should not be effected by the State Government till formal order approving diversion of forest land is issued by the Central Government. To facilitate speedy execution of projects involving linear diversion, the in-principle approval may be deemed as the working permission for tree felling and commencement of work, if the required funds for CA, NPV and all other compensatory levies specified in the in-principle approval are realised from the user agency and accordingly the State Government, by passing an order, may allow the commencement of work of the linear project in forest land for a period of one year (The detail guideline issued vide Ministry letter No. 11-306/2014-FC, dated 28.08.2015 may be referred).

Yours faithfully,


6/12/2018
(Sujoy Dutta)

Technical Officer (Forestry)

o/c

Copy to:-

1. The Director, RO(HQ), Ministry of Environment, Forests and Climate Change, Indira Paryavaran Bhawan, Jor Bagh Road, New Delhi – 110 003.
2. The Principal Chief Conservator of Forests, Government of Bihar, Aranya Bhawan, Shahid Pir Ali Khan Path, Patna - 800 014.
3. The APCCF-cum-Nodal Officer, Forest Department, Government of Bihar, Aranya Bhawan, Shahid Pir Ali Khan Path, Patna - 800 014.
4. The Divisional Forest Officer, Jamui Forest Division, Jamui.
5. The Executive Engineer, RCD Road Division, Jamui.
6. Guard File.


6/12/2018

Technical Officer (Forestry)

o/c