

F.No.8-24/2017-FC
Government of India
Ministry of Environment, Forests & Climate Change
(Forest Conservation Division)

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

Dated: 9th May, 2018

To,

The Principal Secretary (Forests),
Government of Uttar Pradesh,
Lucknow.

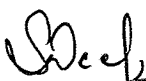
Sub:- Diversion of 209.807 ha of reserved forest land in favour of Executive Engineer, Irrigation Construction Division-II, Lalitpur for construction of Bhaunrat Dam in Lalitpur District, Uttar Pradesh.

Sir,

I am directed to refer to the State Government's letter No.P-187/14-2-2016-800(195)/2016 dated 20.01.2017 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.

After careful examination of the proposal of the State Government and on the basis of the recommendations of the Forest Advisory Committee, ***In-principle approval/Stage-I Clearance*** of the Central Government is hereby granted for diversion of 209.807 ha of reserved forest land under Forest (Conservation) Act, 1980 for construction of Bhaunrat Dam in Lalitpur District, Uttar Pradesh subject to the following conditions:

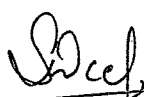
- (i) Legal status of the diverted forest land shall remain unchanged;
- (ii) The conditions imposed by the State Level Environment Impact Assessment Authority (SEIAA) vide dated 27th November 2015 should be complied and treated as part of FC conditions.
- (iii) A minimum environmental flow will be maintained/released for downstream users.
- (iv) Compensatory afforestation programme shall be taken-up in consultation with State Forest Department. For compensatory afforestation preference will be given to native plant species. Compensatory afforestation will be raised over 209.87 ha of non-forest land identified by the state government and at least 1000 plants per hectare (209870 plants of native tree species) will be planted. The CA cost has been estimated to be Rs. 668.22 lakh. The CA



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cost may be revised accordingly, if required, and CA cost shall be deposited in the Compensatory afforestation Fund of Uttar Pradesh State managed by adhoc CAPMPA.

- (v) 25% of the Cost of CA will be deposited in addition to the CA cost for soil and moisture conservation works at CA site.
- (vi) Green belt shall be maintained on minimum 33% of the project area.
- (vii) Bio-diversity conservation & Management Plan should be implemented with State Forest Department from the allocated budget for this purpose shall be fully utilized and not to be diverted for any other Purpose. The Catchment Area Treatment (CAT) Plan shall be strictly implemented by the Forest Department. Major works shall be completed before impounding of reservoir. The financial allocation for CAT Plan implementation shall be fully utilized and not to be diverted for any other purpose. Catchment Area Treatment Plan as proposed should be completed in five years. CAT plan duly approved from the competent authority with details of management interventions along with physical and financial targets year wise should be implemented and the cost shall be deposited in Compensatory afforestation Fund of Uttar Pradesh State managed by adhoc CAPMPA. Though the CAT plan submitted provides that 2% of the project cost will be deposited for implementation of activities under CAT plan, the actual cost not less than 2% of project cost will be provided by the project proponent for intensive plantation in the catchment area and soil and moisture conservation works
- (viii) To enhance the natural environment quality & aesthetics of project site, greenbelt, as proposed in the EMP Report shall be undertaken. Allocated grant for this purpose shall be utilized and not to be diverted for any other purpose.
- (ix) Two forest nurseries having area 0.4046 ha and 2.48 ha are getting submerged which forms part of forest land proposed for diversion. Compensation for creation and shifting of forest nursery may be provided by the user agency.
- (x) Forest Offices and other assets belonging to Forest Department falling within submergence shall be adequately compensated and located in area which will be suitable as per forest management point of view.
- (xi) State Government should ensure complete compliance of provisions of the FRA 2006 in accordance with Ministry's guidelines dated 03.08.2009 read with 05.07.2013 before start of the work.
- (xii) The User agency may also fence the quarry prior to reclamation to check possible casualty of wildlife due to accidental fall.
- (xiii) The land identified for the purpose of CA shall be clearly depicted on a Survey of India topo-sheet of 1:50,000 scale;
- (xiv) The non-forest land identified for raising compensatory afforestation shall be transferred and mutated in favour of the State Forest Department before issue of the Stage-II clearance and the said non-forest land as identified for raising Compensatory Afforestation shall be notified by the State Government as RF under Section-4 or PF under Section-20 of the Indian Forest Act, 1927 or under


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the relevant Section(s) of the local Forest Act, as the case may be, within a period of six months. The Nodal Officer (Forest Conservation) shall report compliance in this regard;

- (xv) 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 the account of Ad-hoc CAMPA of the concerned State through online portal. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years;
- (xvi) 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;
- (xvii) 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;
- (xviii) **The 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;**
- (xix) The Forest clearance will be for a period co terminus with the lease period specified in the lease agreement. The State Government will submit the lease agreement document specified in the lease agreement;
- (xx) 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;
- (xxi) The user agency in consultation with the State Government shall create and maintain alternate habitat/home for the avifauna, whose nesting trees are to be cleared in this project. Birds nests artificially made out of eco-friendly material shall be used in the area, including forest area and human settlements, adjoining the forest area being diverted for the project.
- (xxii) The boundary of the diverted forest land, mining lease and safety zone, as applicable, shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, distance from pillar to pillar and GPS co-ordinates;
- (xxiii) The user agency shall ensure that the tress available between full reservoir level (FRL) and FRL-4 meters are not felled;
- (xxiv) The User agency shall undertake afforestation along the periphery of the reservoir;
- (xxv) User agency shall provide free water for the forestry related projects;
- (xxvi) The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- (xxvii) Any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department;


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- (xxviii) The layout plan of the proposal shall not be changed without the prior approval of the Central Government;
- (xxix) No labour camp shall be established on the forest land;
- (xxx) The User Agency shall provide fuels preferably 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;
- (xxxi) The forest land shall not be used for any purpose other than that specified in the proposal and the forest land proposed to be diverted shall under no circumstances be transferred to any other agency, department or person without prior approval of the Central Government;
- (xxxii) The User Agency shall submit the annual self - compliance report in respect of the above stated conditions to the State Government, concerned Regional Office and to this Ministry by the end of March every year;
- (xxxiii) 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; and
- (xxxiv) The user agency shall comply all the provisions of the all Acts, Rules, Regulations, Guidelines, Hon'ble Court Order (s) and National Green Tribunal Order(s) pertaining to this project, if any, for the time being in force, as applicable to the project;

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

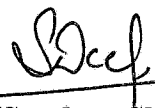
Yours faithfully,


(Sandeep Sharma) 9.5.18

Assistant Inspector General of Forests (FC)

Copy to:-

1. The Principal Chief Conservator of Forests Government of Uttar Pradesh, Lucknow.
2. The Nodal Officer (FCA), Office of the PCCF, Government of Uttar Pradesh, Lucknow.
3. The Addl. PCCF (Central), Regional Office, Lucknow.
4. User Agency .
5. Monitoring Cell, FC Division, MoEF&CC, New Delhi
6. Guard file.


(Sandeep Sharma) 9.5.18

Assistant Inspector General of Forests (FC)