

To,

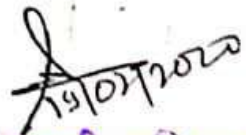
Nodal Officer (CCF)
Forest Department
Rana Pratap Marg, Lucknow

Date: 19/02/2020

Proposal No. : FP/UP/Canal/44512/2020

In reference to letter FP/UP/Canal/44512/2020, replies to EDS raised on 18-02-2020 are as follows:

S. No.	Essential Details Sought	Replies
1	In B-2.3, villages wise breakup of forest land and non forest land is not correct.	Correction has been done. Villages wise breakup of forest land and non forest land has been mentioned.
2	Upload sanction letter issued by Government of Uttar Pradesh.	Sanction letter issued by Govt. of Uttar Pradesh has been attached.
3	In section I, the user agency has mentioned that the project or a part thereof is not located in any Protected Area or their Eco sensitive zone. Upload clarification in this regard from DFO Sohagibarwa wildlife division.	Correction has been done. The part of project is located within eco sensitive zone boundary of Sohagibarwa wildlife sanctuary. The wildlife proposal will be submitted.
4	Since as per proposal reserved forest land is being transfer for non forest use provide details of non forest land in section L (i), (ii) & (iii).	Since the area of Reserve forest land proposed for diversion is 0.4Ha (i.e. less than 1Ha) therefore, it is mentioned that non-forest or Revenue forest land is not required.


नदिराप्ती अभियन्ता
राप्ती नहर निर्माण कार्य-२
तुलसीपुर-बलरामपुर
(Er.Santosh Kumar)
Executive Engineer
Rapti Nahar Nirman khand -2,
Tulsipur, Balrampur

Chapter - II

Diversion of forest land and Compensatory Afforestation

2.1. Introduction

2.1.1. Provisions regulating Compensatory Afforestation

As per para 3.1(i) of the Guidelines issued under the Forest (Conservation) Act, 1980 (FC Act) Compensatory Afforestation is one of the most important conditions stipulated by the Central Government while approving proposals for de-reservation or diversion of forest land for non-forest uses. It was essential that for all such proposals, a comprehensive scheme for Compensatory Afforestation (CA) was formulated and submitted to MoEF.

Further as per para 3.2(i) of the Guidelines issued under the FC Act, 1980, CA was to be done over equivalent area of non-forest land subject to the following:

- As far as possible, the non-forest land for CA was to be identified contiguous to or in the proximity of Reserved Forest or Protected Forest to enable the Forest Department to effectively manage the newly planted area.
- In case, non-forest land of CA was not available in the same district, it was to be identified anywhere else in the State/Union Territory near to the site of diversion, so as to minimise adverse impact on the micro-ecology of the area.
- Where non-forest lands were not available or non-forest land was available but lesser in extent to the forest area being diverted, CA could be carried out over degraded forest twice in extent to the area being diverted or to the extent of the difference between the forest land being diverted and the available non-forest land, as the case be.
- The non-availability of suitable non-forest land for CA in the State / Union Territory would be accepted by the Central Government only on the basis of a Certificate of the Chief Secretary to the State/Union Territory Government to that effect.

The clarification below the para 3.2 (i) provides that as a matter of pragmatism, the revenue lands/zudpi jungle/chhote/bade jhar ka jungle/jungle-jhari land/civil-soyam lands and all other such categories of lands, on which the provisions of FC Act, 1980 are applicable, shall be considered for the purpose of compensatory afforestation provided such lands on which compensatory afforestation is proposed shall be notified as Reserve Forest (RF) under the Indian Forest Act, 1927.

The exceptions to the general conditions laid down in para 3.2 (i) of the Guidelines issued under the FC Act, 1980, are listed below:

- As per para 3.2(vi) of the Guidelines issued under the FC Act, 1980, certain categories of project are exempted from providing equivalent non forest land. In such cases CA

was to be raised over degraded forest land twice in extent of the forest area being diverted/ dereserved.

- As per para 3.2 (viii) raising CA is not to be insisted upon in certain category of projects like diversion of forest land upto one hectare, cleaning of naturally grown trees in forest land, underground mining in forest land below three meter etc.
- As per para 3.2 (ix) in case of central government/ central undertaking projects, CA is to be raised on degraded forest land twice in extent of forest area being diverted without insisting for the certificate of Chief Secretary regarding non-availability of non-forest land.

Para 3.4(i) of the Guidelines issued under the Forest Conservation Act, 1980 state that equivalent non-forest land identified for the purpose was to be transferred to the ownership of the State Forest Department and declared as reserved/protected forests (RF/PF), so that the plantation raised could be maintained permanently. The transfer was to take place prior to the commencement of the project.

2.1.2. Procedure for granting forest clearances

As per Clause 6 of Forest (Conservation) Amendment Rules, 2004, every User Agency that seeks to use any forest land for non-forestry purposes, under Section 2 of the Act, is required to make a proposal to the Nodal Officer of the concerned State/UT Government and endorse a copy of the proposal, along with a copy of the receipt obtained from the office of the Nodal Officer, to the concerned Divisional Forest Officer or the Conservator of Forests, Regional Office as well as MoEF. After having received the proposal, the State/ UT Government is required to process and forward it to the Central Government within a period of two hundred and ten days of the receipt of the proposal.

The Nodal Office of State/UT Government after having received the proposal and on being satisfied that the proposal is complete in all respects and requires prior approval under Section 2 of the Act, is required to send the proposal to the concerned Divisional Forest Officer. The Divisional Forest Officer or the Conservator of Forests shall examine the factual details and feasibility of the proposal, certify the maps, carry out site-inspection and enumeration of the trees and forward the findings to the Nodal Officer within a period of 90 days of the receipt of such proposal. The Nodal Officer, through the Principal Chief Conservator of Forests, shall forward the proposal to State/ UT Government along with recommendations. The State/UT Government shall forward the complete proposal, along with its recommendations, to the Regional Office or MoEF as the case may be.

The Regional Empowered Committee⁵ is mandated to decide on the proposal involving diversion of forest land upto 40 hectare other than the proposal relating to mining and encroachments. Proposal involving forest land of more than 40 hectare, and all proposals relating to mining and encroachments irrespective of the area are approved by MoEF.

Forest clearances are to be granted under Section 2 of the Forest (Conservation) Act, 1980. In respect of proposals involving diversion of forest area upto five hectare, Chief

⁵ Consists of Regional Principal Chief Conservator as Chairman and Conservator/ Deputy Conservator of Forests in the Regional Office as Member Secretary and three expert members in fields of Mining, Civil Engineering and Development Economics.