

F. No. 8-32/2017-FC
Government of India
Ministry of Environment, Forest and Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan
Aliganj, Jorbagh Road
New Delhi – 110003
Dated: 22nd February, 2018

To,

The Principal Secretary (Forests),
Department of Forest and Environment,
Government of Jharkhand,
Ranchi.

Sub: Diversion of 1007.29 ha of forest land for North Koel Dam Project in the State of Jharkhand.

Sir,

I am directed to refer to the State Government of Jharkhand's letter No. VAN BHOOMI – 4/2017-1015-VP dated 07.03.2017 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.

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 for diversion of 1007.29 ha of forest land for North Koel Dam Project in the State of Jharkhand, subject to the following conditions:

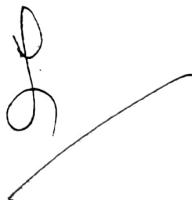
- (i) Legal status of the diverted forest land shall remain unchanged;
- (ii) Compensatory afforestation shall be raised over double the diverted forest land and atleast 1000 plants per hectare (1007.29 hectares x 1000 = 1007290 plants) shall be planted over identified double the degraded forest land (2015 ha) identified elsewhere under the control of Forest department with provision for ten years on subsequent maintenance. The site as identified for CA and forwarded by State Govt. vide their letter No. VAN BHOOMI – 4/2017-5490-VP Ranchi dated 29.12.2017 to Ministry is not suitable as 380 ha. of land having the canopy density of very dense forest and 1048 ha of land having moderately dense forest and most of the patches are covered by dense vegetation and some of the patches namely Kuro Kalan, Akhra, Kechki Lami pahar is partly falling on the agriculture land. Accordingly, the revised CA land with suitability certificate duly approved by competent authority & shape file may be given before Stage-II approval for further examination.
- (iii) The total number of trees to be felled is approximately 3, 44,644. Such loss of trees should be compensated, in addition to mandatory compensatory afforestation, by planting same numbers of trees at suitable areas in the PTR landscape to compensate the loss in accordance with a scientific landscape-scale management plan. However, such plantation areas should be largely outside the tiger reserve, particularly outside the core area, as the tiger reserve needs grasslands along with woodland for augmenting the herbivore population.
- (iv) 25% of revised CA cost will be deposited extra through online by the user agency for soil and moisture conservation (SMC) activities on the CA land in the account of Ad-hoc CAMPA.
- (v) The Catchment Area treatment (CAT) of the river along the submergence area with cost structure shall be prepared and implemented at the cost of the user agency. The approved CAT plan with deposition of funds in the account of Ad-hoc CAMPA through on-line shall be done before Stage-II approval.



- (vi) Net Present Value (NPV) will be paid as applicable to the Protected Area which is 10 times the normal NPV in case of National Park and 5 times the normal NPV in case of Wildlife Sanctuary.
- (vii) Relocation and rehabilitation of villages from the forest land should be completed as per the approved Relocation and Rehabilitation plan (R&R) before closing the sluice gate for submergence. If water level reaches to the present crest height of the dam during exceptionally high rains, it will be brought down at 341.0 m level within 5 days by allowing the water to pass through the existing sluices and power intakes. However, if water discharge capacity of these sluices and power intake gates is not enough to maintain the ponding level at 341.0 m during very heavy rains, some arrangements should be made so that effective submergence area does not exceed 1007.29 ha. The bed level of the river is about 305 m and Dead Storage Level (DSL) at 330 m. Thus, the discharge of water should be strictly stopped when the water level reaches the DSL. Felling should not be done at upto 4 meter below FRL because this area will be submerged for temporary period only.
- (viii) During construction or installation of sluice gates, the project authorities should construct Jetty at important locations. Motor boat as well as paddle boat should also be made available to monitor and control illicit fishing and birds poaching.
- (ix) After ponding at 341.0 m, the linear water lake so created will partly fragment the PTR. This may compel elephants, tiger and other wildlife species to shift their movement/dispersal routes through other villages such as the 13 Lat group of villages. As a good elephant population would continue to survive in the PTR after completion of the project, the conflicts between local people and elephant may turn serious in future. Hence, for better ecological integrity of the tiger reserve and minimizing human-wildlife conflicts, it is recommended for the resettlement of these 13 group of revenue villages outside the PTR as per the procedure followed.
- (x) As per records of user agency, the compensation has been paid to villages of 15 villages against their land holdings as per the original Nadi-Ghati Pariyojana and new khatiyas has been created and shown as Nadi Ghati Pariyojana land. Such lands shall be transferred to Palamau Tiger Reserve to provide landscape integrity and tiger range management. The non-forest land in these 15 villages should be transferred to the forest department and notified as forest land and integrated in the PTR landscape.
- (xi) Betala area is loosely connected with the main area of the PTR through narrow width of forest. This corridor should be strengthened through transferring adjoining forest and government wastelands. As recommended by NBWL, families from a few villages such as Kerh and Garhi, fully or partly, should be settled outside the PTR as per the guidelines of NTCA.
- (xii) After completion of the project, the adjoining government wasteland (GM land / Raiyati land) in the landscape should be transferred to PTR and its management should be integrated with the existing tiger habitat. The core area should be expanded suitably to cover adjoining uninhabited buffer zone or other forest areas to strengthen conservation measures, as proposed by the State Wildlife Board.
- (xiii) The project proponents and the management of PTR should ensure that during pre-construction and construction phases of the dam, there should be least disturbance to the animals and their habitat. No material for construction purpose should be taken from the forest area. Only temporary structures should be created near the dam site by the project proponents. Permanent structures, warehouses, etc. should be created outside the PTR preferably at Bawardih. No construction activity should take place at the dam site during night after 6.00 PM. Other suggestions and recommendations in the Site Specific Wildlife Management Plan of North Koel Reservoir Project (Mandala Dam) and accepted by the State Board for Wild Life should be put into operation.
- (xiv) The State Govt. and the user agency shall comply the recommendations made by the National Tiger Conservation Authority (NTCA) as per provisions of Sections 38 (2), 38 (0)(1)(b) and 38 (0)(1)(g) of the Wildlife (Protection) Act, 1972 inclusive of recommendations of the NTCA Committee constituted in December, 2013, recommendation of the Committee constituted by the

Standing Committee of the National Board for Wildlife (NBWL) vide its 42nd Meeting dated 21.07.2017. The conditions are as below:

- a) During construction or installation of gates, the project authorities should construct Jetty at important locations. Motor boat as well as paddle boat should also be made available to monitor and control illicit fishing and birds poaching.
- b) The total number of trees to be felled is approx. 3, 44,644 as per joint enumeration of trees. Such loss of trees should be compensated by planting same numbers of trees through Jan Van Yojana, Kisan nursery, etc., within Project Tiger jurisdiction.
- c) The height of gates was initially proposed as 367.28 m FRL and accordingly compensation has been paid to villages of 13 villages against their land holdings. The new Khatiyana has been created and all land has been shown in Nadi Ghati Pariyojana land. The Government may consider transferring all such land to Palamau Tiger Reserve.
- d) **The State Govt. shall comply the following recommendation of NBWL for mitigation measures:**
 - i. The project mentions that the maximum water level exceeding the crest height of the dam is very rare. If water level reaches to the present crest height of the dam during exceptionally high rains, it will be brought down at 341.0 m level within 5 days by allowing the water to pass through the existing sluices and power intakes. However, if water discharge capacity of these sluices and power intake gates is not enough to maintain the ponding level at 341.0 m during very heavy rains, some arrangements should be made so that effective submergence area does not exceed 1007.29 ha.
 - ii. The bed level of the river is about 305 m and Dead Storage Level (DSL) at 330 m. Thus, the discharge of water should be strictly stopped when the water level reaches the DSL.
 - iii. By the time sluice gates are readied for installation, the submergence villages should be shifted out of the tiger reserve. As per the project proponents, all the affected families have been given relief and rehabilitation assistance at the time of construction of the dam. However, many of them still reside in the same villages inside the tiger reserve. Keeping the interests of local people, the observation of the Ministry of Tribal Affairs, and to avoid agitation of the people, a comprehensive plan should address grievances of all families in these villages. If necessary, funds from other sources may be made available to settle these people under an attractive settlement plan. If it is not done properly, some of the families may move into the upper catchment of the PTR after submergence of the villages. In such a situation, the loss of tiger habitat would be multiplied, causing enormous pressure on the PTR in future. The non-forest land in these 15 villages may be notified as forest land.
 - iv. After ponding at 341.0 m, the linear water lake will partly fragment the PTR. This may compel elephants, tiger and other wildlife species to shift their movement/dispersal routes through other villages (such as the 13 Lat group of villages). As a good elephant population would continue to survive in the PTR after completion of the project, the conflicts between local people and elephant may turn serious in future. Hence, for better ecological integrity of the tiger reserve and minimizing human-wildlife conflicts, it is advisable to explore the resettlement of at least some of these 13 Lat group of revenue villages outside the tiger reserve after obtaining their willingness. Villages willing for resettlement should be provided special financial and social development packages that go beyond the standard NTCA package for tiger reserves. In addition, sufficient funds should be provided to Palamau Tiger Reserve for dealing with human-wildlife conflicts including handling problematic animals and providing ex-gratia payments to the affected families.
 - v. After completion of the project, the tiger may lose substantial resource rich habitat. To compensate loss of the habitat, adjoining government wasteland (GM land / Raiyati land) in the landscape should be transferred to PTR and its management should be integrated with the existing tiger habitat.
 - vi. The core area should be expanded suitably to cover adjoining uninhabited buffer zone or other forest areas to strengthen conservation measures, as proposed by the state wildlife board in its site-specific wildlife management plan for mitigation of impacts due to Mandal dam.



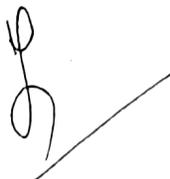
- vii. Extent of Protected Areas in Jharkhand is only 2.7% of its geographical area against the national average of 4.9%, although Jharkhand is a forest rich state. There is logic and reasons for improving the size of the PTR by extending its boundary to cover suitable forests and the government wasteland.
- viii. Betla area is loosely connected with the main area of the PTR through narrow width of forest. This corridor should be strengthened through transferring adjoining forest and government wastelands. This issue should be examined and if possible, the families from a few villages such as Kerh and Garhi, fully or partly, should be settled outside the PTR under a very attractive settlement package. The population of wild animals in Betla Range is isolated from the rest of the forest area due to swelling of size of these two villages and occupying the erstwhile thin corridors for wildlife management.
- ix. Hunting by local people is one of the main reasons for depletion of wildlife. The management of PTR should increase their control and surveillance over the tiger reserve. The remnant population of herbivores should be intensively protected to build up population again. At same time, the rapport between the staff of the PTR and villagers should be strengthened through establishing Biodiversity Management Committees (BMCs) and engaging them in the conservation activities through implementation of eco-development programmes. A comprehensive education campaign through effective groups or institution may be done in all villages in and around the PTR. The youth from these villages may be recruited as forest guards, foresters and RFOs to establish a strong management system to achieve standards prevailing in some of the outstanding Protected Areas in the country. Although the existing Naxalite activities are a hurdle to achieving the goal, it is possible over a period to change the management environment. If problems in wildlife protection arise due to local people, the solutions also lie in involving them. The BMCs or Vanyaprani Mitra, as practiced in Gir National Park, in the villages may establish a strong link between people and the management. The existing organization - Palamau Tiger Conservation Foundation- may be strengthened for more effective communication, education and eco-development activities in the villages within and around the PTR. Funds for eco-development as provided in the site-specific wildlife management plan may be transferred to Palamau Tiger Conservation Foundation for such activities.
- x. A large number of trees will be submerged in the dam waters. Ten times the number of submerged trees should be raised at suitable areas in the PTR landscape to compensate the loss in accordance with a scientific landscape-scale management plan. However, such plantation areas should be largely outside the tiger reserve, particularly outside the core area, as the tiger reserve needs grasslands along with woodland for augmenting the herbivore population.
- xi. The project proponents and the management of PTR should ensure that during preconstruction and construction phases of the dam, there should be least disturbance to the animals and their habitat. As suggested by the tiger reserve management itself, only temporary structures should be created near the dam site by the project proponents. Permanent structures, warehouses, etc. should be at Bawardih, outside the tiger reserve. During nights, no construction activity should take place at the dam site.

In view of above, the Site Specific Wildlife Management Plan of North Koel Reservoir Project (Mandala Dam) shall be revised on the above recommendations made by the State Board for Wild Life. The revised plan with deposition of commensurate funds in the account of Ad-hoc CAMPA.

- (xv) The land identified for the purpose of CA shall be clearly depicted on a Survey of India toposheet of 1:50,000 scale;
- (xvi) 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;

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- (xvii) 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 Ad-hoc CAMPA account of the State Concerned.
- (xviii) At the time of payment of the Net Present Value (NPV) at the then prevailing rate, the user agency shall furnish an undertaking to pay the additional amount of NPV, if so determined as per the final decision of the Hon'ble Supreme Court of India.
- (xix) **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;**
- (xx) Any fund received from the user agency under the project, except the funds realized for regeneration / demarcation of safety zone, shall be transferred to Ad-hoc CAMPA through Online-portal of Ad-hoc CAMPA account of the State Concerned;
- (xxi) The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986;
- (xxii) The Forest Department shall prepare a Plan of Action to utilize the water potential available nearby for the benefit of forest crop and also to the wild animals at the cost of user agency;
- (xxiii) A plan for conservation of Wildlife will be made by the user agency in consultation with the PCCF (Wildlife) to be implemented at the cost of user agency;
- (xxiv) 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.
- (xxv) The User agency shall undertake afforestation along the periphery of the reservoir;
- (xxvi) 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;
- (xxvii) The User agency shall provide free water for the forestry related projects;
- (xxviii) 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 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;
- (xxxi) The State Government shall ensure that 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;
- (xxxii) 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;
- (xxxiii) 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;
- (xxxiv) 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 as prescribed by this Ministry in its letter No. 11-9/1998-FC (pt.) dated 03.08.2009 read with 05.07.2013, in support thereof;
- (xxxv) 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;



(xxxvi) 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

(xxxvii) The User Agency and the State Government shall ensure compliance to provisions of the all Acts, Rules, Regulations, Guidelines, NGT order (s) and relevant Hon'ble Court Order (s), if any, pertaining to this project for the time being in force, as applicable to the project.

(xxxviii) After issue of Stage -I clearance, the State Govt. shall provide the following details immediately, as pending:

- a) As reported by Regional Office, the approach road to dam site passes through forest and is blacktopped for about 25 km followed by an earthen road of about 5 km stretch. The forest department will examine the record and submit the status whether Forest clearance under FC Act has been obtained or not.
- b) As reported by Regional Office, there exists many abandoned buildings, temporary structures, labor huts etc. spread over more than 20 hectares of land near the dam site. All structures are in dilapidated condition and need to be demolished at the project cost to prevent encroachment/unauthorized occupancy of the forest land, if any. Even if the land has been diverted to the water resources department in the past, the same will be returned to the Forest department if it is no longer required for project activities. The Status of the land needs to be verified by the state authorities as the land is in continuity of forest area and has been apparently utilized by the project authorities during construction phase of the dam.

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 effected till final approval is granted by the Central Government in this regard.

Yours faithfully,

(Nisheeth Saxena)

Sr. Assistant Inspector General of Forests (FC)

23.2.2018

Copy to:-

1. The PCCF, Government of Jharkhand, Ranchi.
2. The Addl. PCCF (Central), Regional Office, Ranchi.
3. The Nodal Officer (FCA), O/o PCCF, Government of Jharkhand, Ranchi.
4. User Agency.
5. Forest Conservation Monitoring Cell, MoEF&CC, New Delhi.
6. Guard File.

(Nisheeth Saxena)

Sr. Assistant Inspector General of Forests (FC)

कार्यपालक
मैजिन एवं नोनेडरग प्रमखडल
मेदिनीनगर