

28/05/18  
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: 27th November, 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 letter No. VAN BHOOMI-4/2017-1015-VP dated 07.03.2017 of Government of Jharkhand, on the subject mentioned above seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980. After careful examination of the proposal and recommendations made thereof by the Forest Advisory Committee (FAC) constituted under Section-3 of the said Act, 'in-principle' approval was granted vide this Ministry's letter of even number dated 23.02.2018 subject to fulfillment of certain conditions prescribed therein.

2. In this connection, I am directed to say that the Chief Secretary, Government of Jharkhand made a request vide his D.O. letter no. 479/CS dated 02.05.2018 for waiving of some conditions stipulated in the Stage-I order dated 23.02.2018.

3. The State Government has also furnished the compliance report, vide their letter No. Van Bhumi-04/2017-4608/V.P. dated 12.11.2018, in respect of the conditions stipulated in the 'in-principle' approval and requested the Central Government to grant final approval to the proposal.

3. Based on the recommendation of the FAC on the request of the State Government (as at para-2 above), compliance of State Government on the conditions stipulated in the Stage-I approval dated 23.02.2018 and approval of competent authority thereof, **Final approval/Stage-II Clearance** of the Central Government is hereby granted under Section-2 of the Forest (Conservation) Act, 1980 for diversion of 1007.29 ha of forest land for North Koel Dam Project in the State of Jharkhand subject to following conditions:

1. Legal status of the diverted forest land shall remain unchanged;
2. Compensatory afforestation shall be raised on the identified land within a period of three years and maintained further by the State Forest Department as per approved plan from the funds deposited by the User Agency in CAMPA Account;
3. The State Government shall ensure that the State Forest Department shall carry out soil and moisture conservation (SMC) activities on the CA land from the funds deposited by the User Agency in CAMPA Account;



4. The State Government shall ensure that the State Forest Department shall implement approved CMI plan from the funds deposited by the User Agency in CAMPA Account;
5. The State Government shall ensure that the 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.
6. The State Government shall ensure that during construction or installation of sluice gates, the User Agency constructs jetty at important locations.
7. The State Government shall ensure that the compensation may be paid to villages of 15 villages against their land holdings as per the original Nadi-Ghati Pariyojana and new khatiyas have 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, within a period of 6 months from the date of grant of final approval and send a copy of the notification declaring the non-forest land under Section 4 or 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;
8. The State Government shall ensure that the User Agency 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.
9. The State Govt. and the user agency shall comply the following recommendations made by the National Tiger Conservation Authority (NTCA):
  - a) 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.
  - b) The height of gates was initially proposed as 367.28 m FRL and accordingly compensation has been paid to villagers of 13 villages against their land holdings. The new Khatiyas have 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.
  - c) The State Govt. shall comply the following recommendations of NBWL for mitigation measures:
    - i. The State Government may implement the time-bound settlement plan for settling the submergence villages before the start of the work.

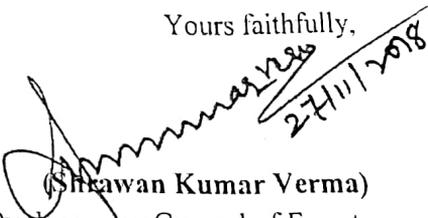


- ii. The core area should be expanded suitably to cover adjoining uninhabited buffer zone or other forest areas to strengthen conservation measures, as proposed by the state wildlife board in its site-specific wildlife management plan for mitigation of impacts due to Mandal dam.
  - iii. Large number of trees will be submerged in the dam water. 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.
  - iv. The User Agency 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 User Agency. Permanent structures, warehouses, etc. should be at Bawardih, outside the tiger reserve. During nights, no construction activity should take place at the dam site.
10. The State Government shall obtain duly signed toposheets for identified land of CA before the diversion order issued;
11. The State Government ensure that 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;
12. The State Government ensure that the User Agency shall obtain the Environment Clearance, as applicable, as per the provisions of the Environmental (Protection) Act, 1986.
13. The State Government shall ensure that the Forest Department shall implement approved Site-Specific Wildlife Management Plan which includes plans to utilize the water potential available nearby for the benefit of forest crop, plan for conservation of Wildlife from the funds deposited by the user agency;
14. The State Government shall ensure that the tree felling in the forest area shall only be as per the actual requirement and with prior permission of the competent authority and 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;
15. The State Government shall ensure that the User agency shall take up afforestation along the periphery of the reservoir;
16. The State Government shall ensure that the User agency shall provide free water for the forestry related projects;
17. The State Government shall ensure that layout plan of the proposal shall not be changed without the prior approval of the Central Government and 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;
18. The State Government shall ensure that 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;



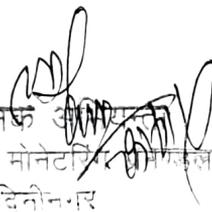
19. The State Government shall ensure that no labour camp shall be established on the forest land and shall also ensure that the user agency provides alternate fuels to the labourers and the staff working at the site so as to avoid any damage and pressure on the nearby forest areas;
20. The State Government shall ensure that the process of settlement of rights has been completed in accordance with provisions of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006;
21. Any other condition that the concerned Regional Office of this Ministry may stipulate with the approval of the competent authority, from time to time, in the interest of conservation, protection and development of forests & wildlife;
22. The State Government shall ensure that 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
23. 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.
24. The State Government shall ensure that the building and structures spread over more than 20 ha of land near the dam site, are already in dilapidated condition. These may be used temporarily during the construction period. After the completion of construction, these will be handed over to the Forest department.

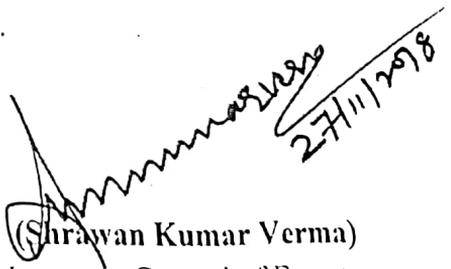
Yours faithfully,

  
 (Shrawan Kumar Verma)  
 Dy. Inspector General of Forests

**Copy to:**

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

  
 कार्यपालक अधिकारी  
 योजना एवं मॉनिटरिंग सेल  
 मेदिनीनगर

  
 (Shrawan Kumar Verma)  
 Dy. Inspector General of Forests