

File No. 8-20/2019-FC
Government of India
Ministry of Environment, Forest and Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan
Jorbagh Road, Aliganj
New Delhi - 110003
Dated: 11th March, 2020

To,

The Principal Secretary (Forests),
Department of Forest and Environment,
Government of Madhya Pradesh,
Bhopal.

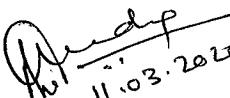
Sub: Proposal for seeking prior approval under Forest (Conservation) Act, 1980 for non-forest use of 45.278 ha. of forest land for construction of Tendua Nalla Dam Scheme Project, in favour of Water Resources Department, Chhatarpur District Madhya Pradesh State -regarding.

Sir,

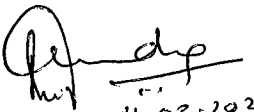
I am directed to refer to the Additional Principal Chief Conservator of Forests (Land Management) & Nodal officer FCA 1980, Govt. of Madhya Pradesh's letter No.F-3/54/2018/10-11/5/1735 dated 28th May, 2019 on the subject mentioned above seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980 and to say that the said proposal has been examined by the Forest Advisory Committee (FAC) constituted by the Central Government under Section-3 of the aforesaid Act.

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 seeking prior approval under Forest (Conservation) Act, 1980 for non-forest use of 45.278 ha. of forest land for construction of Tendua Nalla Dam Scheme Project, in favour of Water Resources Department, Chhatarpur District Madhya Pradesh State, subject to the fulfilment of following conditions:

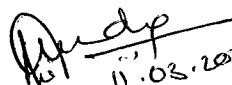
- i. Legal status of the diverted forest land shall remain unchanged;
- ii. *Remaining seedlings from norm of planting 1,000 numbers/ha in compensatory afforestation patch shall be planted in nearby degraded forest area and kml files of such patches will be uploaded on e-green watch and PARIVESH portal;*
- iii. *State government may ensure that part of NPV levies deposited against the project shall also be utilised for rehabilitation of nearby degraded forest land;*
- iv. *User agency will ensure that forest area nearby shall not be encroached upon due to implementation of the project;*
- v. *Use agency will ensure that during lean season (in reservoir draw-down condition) the forest areas diverted for submergence will not be used for agriculture;*
- vi. *Gainful opportunities of work shall be provided on priority basis to the nearby resident population while implementing the project;*
- vii. *User agency will ensure that water requirement for forestry activity in command area of the project will be provided to the State Forest Department free of charge;*


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- viii. *Effect of the change in water regime on forest vegetation shall be monitored by the State Forest Department through a reputed institute after 5 years, and report will be shared with the Ministry also;*
- ix. **Compensatory afforestation: -**
- a. The Compensatory Afforestation shall be taken up by the State Forest Department over 45.278 ha. Non-forest land / degraded forest land (Compartment no. / Khasra No.145/1, Village-Ramgarh-B, Tehsil-Bijawar District-Chhattarpur) at the cost of the User Agency. As far as practicable a mixture of local indigenous species will be planted and monoculture of a species has to be avoided;
- b. The non-forest land shall be transferred and mutated in favour of Forest Department and notified as RF/PF prior to Stage-II approval. A copy of the original 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 State Forest Act as the case may be, will be submitted by the State Government prior to State-II approval;
- x. The cost of compensatory afforestation at the prevailing wage rates as per compensatory afforestation scheme and the cost of survey, demarcation and erection of permanent pillars if required on the CA land shall be deposited in advance with the Forest Department by the project authority. The CA will be maintained for 10 years. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years;
- xi. The State Government shall submit a certificate, that site for CA is suitable and free from all encroachments and other encumbrances, under the signature not below the rank of Nodal Officer (FCA) in the State Government;
- xii. The land identified for the purpose of CA shall be clearly depicted on a Survey of India toposheet of 1:50,000 scale;
- xiii. **Net Present Value (NPV):**
- a. The State Government shall charge the Net Present Value (NPV) for the 45.278 ha. forest area to be diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 30/10/2002, 01/08/2003, 28/03/2008, 24/04/2008 and 09/05/2008 in IA No. 566 in WP (C) No. 202/1995 and as per the guidelines issued by the Ministry vide letters No. 5-1/1998-FC (Pt.II) dated 18/09/2003, as well as letter No. 5-2/2006-FC dated 03/10/2006 and 5-3/2007-FC dated 05/02/2009 in this regard;
- b. Additional amount of the NPV of the diverted forest land, if any, becoming due after finalization of the same by the Hon'ble Supreme Court of India on receipt of the report from the Expert Committee, shall be charged by the State Government from the User Agency. The User Agency shall furnish an undertaking to this effect;
- xiv. The User agency shall obtain the Environment Clearance as per the provisions of the Environment (Protection) Act, 1986, if required;
- xv. The cost of felling of trees shall be deposited by the User Agency with the State Forest Department;
- xvi. The Copy of approved Catchment Area Treatment (CAT) Plan shall be submitted in accordance to para no. 4.8 (i) of Forest (Conservation) Act, 1980 Handbook, if applicable, the commensurate cost of CAT plan will be deposited in the CAMPA account through e-portal;



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- xvii. The State Government shall ensure that the forest land located between FRL and the FRL-4 meters may be afforested by planting appropriate indigenous tree species;
- xviii. The User Agency shall undertake afforestation along the periphery of the reservoir;
- xix. The User agency shall provide free water for the forestry related projects;
- xx. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector;
- xxi. All the funds received from the user agency under the project shall be transferred/ deposited to CAMPA fund only through *e-portal* (<https://parivesh.nic.in/>);
- xxii. Layout plan of the proposal shall not be changed without the prior approval of the Central Government;
- xxiii. No construction of buildings / labour camp/huts shall be allowed on the forest land;
- xxiv. 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;
- xxv. The State Government ensure that 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;
- xxvi. User agency in consultation with the State Forest Department shall create and maintain alternate habitat/home for the avifauna, whose nesting tress are to be cleared in this project. Bird nests artificially made out of eco-friendly materials shall be used in the area, including forest area and human settlements, adjoining the forest area being diverted for the project;
- xxvii. 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;
- xxviii. 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;
- xxix. The State Government shall maintain the character of the projects 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;
- xxx. 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
- xxxi. The Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the para 1.21 of comprehensive guidelines issued vide this Ministry F. No.5-2/2017-FC dated 28th March, 2019;
- xxxii. Any other condition that the Ministry of Environment, Forests & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests & wildlife shall be carried with by the State Government and user agency;
- xxxiii. The State Government and user agency shall ensure compliance to all conditions stipulated in the Stage-I approval for which undertakings have been obtained from the user agency and also the provisions of the all Acts, Rules, Regulations and Guidelines, relevant Hon'ble Court Order (S) and NGT Order (S), if any, pertaining to this project for the time being in force, as applicable to the project;
- xxxiv. The complete compliance report with undertakings and plans/schemes will be uploaded on the web-portal (<https://parivesh.nic.in/>);


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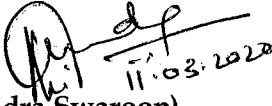
After receipt of compliance report on fulfilment of the conditions mentioned above, the proposal shall be considered for final approval under Section-2 of the Forest (Conservation) Act, 1980. Transfer of forest land shall not be effected till final approval is granted by the Central Government in this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

Yours faithfully,


o/c (Brijendra Swaroop)
Dy. Inspector General of Forests
11.03.2020

Copy to: -

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


o/c (Brijendra Swaroop)
Dy. Inspector General of Forests
11.03.2020